

# FEDERAL REGISTER

VOLUME 28

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Washington, Wednesday, October 23, 1963

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# Presidential Documents

## Title 3—THE PRESIDENT

Notice of October 21, 1963

### *Correction*

In the "Notice of Proposed Trade Agreement Negotiations and Articles to be Considered for Negotiation", published Tuesday, October 22, 1963 (28 F.R. 11251) the initial caption is corrected to read "Notice of October 21, 1963".



# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### PART 213—EXCEPTED SERVICE

###### Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (54) is added to paragraph (a) of § 6.304 as set out below.

###### § 6.304 Department of Defense.

(a) *Office of the Secretary.* \* \* \*

(54) One Staff Assistant to the Director for Equal Employment Opportunity. (R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

*Reorganization and revision of chapter.* In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A twentieth amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Subparagraph (39) is added to paragraph (a) of § 213.3306 as set out below.

###### § 213.3306 Department of Defense.

(a) *Office of the Secretary.* \* \* \*

(39) One Staff Assistant to the Director for Equal Employment Opportunity.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
*Executive Assistant to  
the Commissioners.*

[F.R. Doc. 63-11196; Filed, Oct. 22, 1963; 8:47 a.m.]

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### PART 213—EXCEPTED SERVICE

###### Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (47) is added to paragraph (a) of § 6.342 as set out below.

###### § 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* \* \* \*

(47) One Secretary and Confidential Assistant to the Deputy Commissioner, Community Facilities Administration.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

*Reorganization and revision of chapter.* In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. The first amendment of these new regulations was published in the FEDERAL REGISTER on September 17, 1963. Complete background information appears in the explanatory statements published with the new regulations and the first amendment respectively.

A twenty-first amendment of these new regulations is set out below, i.e., the new regulations published in the FEDERAL REGISTER on September 14, 1963, as amended, which are to become effective November 17, 1963, are further amended as follows:

Subparagraph (37) is added to paragraph (a) of § 213.3344 as set out below.

###### § 213.3344 Housing and Home Finance Agency.

(a) *Office of the Administrator.* \* \* \*

(37) One Secretary and Confidential Assistant to the Deputy Commissioner, Community Facilities Administration.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
*Executive Assistant to  
the Commissioners.*

[F.R. Doc. 63-11195; Filed, Oct. 22, 1963; 8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER E—AIRSPACE INEWI

[Airspace Docket No. 63-SW-28]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [INEWI]

##### Revocation of Control Area Extension, and Designation of Transition Area

On July 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7355) stating that the Federal Aviation Agency proposed to revoke the Columbus, N. Mex.,

control area extension and designate the Deming, N. Mex., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. Due consideration was given to all relevant matter presented.

Comments were received from the Air Transport Association of America (ATA) and the Aircraft Owners and Pilots Association (AOPA).

The ATA pointed out that the floor of the proposed transition area northeast of Deming with a floor of 8,500 feet MSL would conflict with the established 8,000-foot cardinal altitude established for Victor airway No. 110. The AOPA concurred with the establishment of the 700-foot and 8,500-foot MSL portions of the transition area, but suggested that the portion of the transition area with a floor of 1,200 feet in excess of 25 miles east of Deming be raised to 8,500 feet MSL.

With regard to the comment received from the ATA the FAA has determined that, with the establishment of Victor 110 Northeast of Deming, the portion of the transition area with a floor of 8,500 feet MSL, which would coincide with Victor 110, would not be required. Accordingly, action is taken herein to delete that portion of the transition area. With regard to the comments from the AOPA, raising the floor of the area proposed for designation with a floor of 1,200 feet above the surface beyond 25 miles east of Deming would adversely affect instrument operations within the Deming terminal area and between the Deming, El Paso, Tex., and Truth or Consequences, N. Mex., terminals. Therefore, with respect to this comment, action is taken herein in accordance with the proposal as was stated in the notice.

The substance of the proposed amendment having been published, and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.165 (27 F.R. 220-59, November 10, 1962), the following control area extension is revoked: Columbus, N. Mex.

2. Section 71.181 (27 F.R. 220-139, November 10, 1962), the following transition area is added:

###### *Deming, N. Mex.*

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Deming VOR 264° radial, extending from the VOR to 2.5 miles W of the VOR, and within 2 miles each side of the Deming VOR 270° radial, extending from 5.5 miles W of the Deming Municipal Airport (latitude 32°15'25" N., longitude 107°43'00" W.) to 8.5 miles W of the airport; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 31°47'00" N., longitude 106°53'35" W., thence W along the United States/Mexican border to longitude 107°13'00" W., thence N along longitude 107°13'00" W. to latitude 31°59'00" N., thence W along latitude 31°59'00" N., to longitude 107°54'00" W., thence N along longitude 107°54'00" W. to latitude

32°19'15" N., longitude 107°54'00" W., thence to latitude 32°24'20" N., longitude 107°36'00" W., thence to latitude 32°30'20" N., longitude 107°32'58" W., thence via the arc of a 16-mile circle centered on the Deming VOR to the N boundary of V-94, thence E along the N boundary of V-94 to the W boundary of V-19, thence N along the W boundary of V-19 to latitude 32°36'25" N., longitude 107°03'55" W., thence to latitude 32°30'45" N., longitude 106°42'00" W., thence S along the W boundary of R-5107A and R-5107B to the arc of a 30-mile radius circle centered on the El Paso, Tex., International Airport (latitude 31°48'35" N., longitude 106°22'55" W.), thence counterclockwise along the 30-mile radius arc to the point of beginning; and that airspace extending upward from 8,500 feet MSL bounded on the W by the E boundary of V-110, on the north by a line from latitude 32°44'45" N., longitude 107°20'50" W., to latitude 32°41'50" N., longitude 107°06'20" W., on the E by V-19, and on the S and SW by V-94 and the arc of a 16-mile radius circle centered on the Deming VOR.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 16, 1963.

H. B. HELSTROM,  
Acting Chief,  
Airspace Utilization Division.

[F.R. Doc. 11168; Filed, Oct. 22, 1963;  
8:46 a.m.]

## Chapter V—National Aeronautics and Space Administration

### PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

#### Subpart 5—Delegations and Designations

##### PATENT MATTERS

Section 1204.506 added as follows:

#### § 1204.506 Delegation of Authority—NASA Patent Matters.

(a) *Scope.* This section delegates to certain NASA officials the authority to perform administrative and legal functions relating to the NASA Patent Program.

(b) *Delegation of authority.* (1) The General Counsel, and in his absence the Deputy General Counsel, is authorized to supervise, administer and control all activities within or on behalf of the National Aeronautics and Space Administration relating to the NASA Patent Program. In connection with the foregoing, but without limitation thereof, the General Counsel, and in his absence the Deputy General Counsel, is specifically authorized:

(i) *Powers of attorney.* To appoint attorneys and to execute all necessary powers of attorney for the purpose of filing and prosecuting patent applications in which the United States, as represented by the Administrator, has an interest by way either of title or of license;

(ii) *Authority under subsections 305 (d) and (e).* To represent the Administrator and to appoint attorneys to represent the Administrator in the conduct of official business with the United States

Patent Office under subsections 305 (d) and (e) of the National Aeronautics and Space Act of 1958 and, on behalf of the Administrator, to sign requests addressed to the Commissioner of Patents pursuant to said subsections of the Act that patents be issued to the Administrator on behalf of the United States or that ownership of patents be transferred to the Administrator;

(iii) *Application papers and statements.* To receive on behalf of the Administrator application papers and statements transmitted by the Commissioner of Patents to the Administrator pursuant to subsection 305(c) of the National Aeronautics and Space Act of 1958;

(iv) *Certifications.* To sign on behalf of the Administrator all certifications made under sections 266 and 267, Title 35, United States Code;

(v) *Authority under 35 U.S.C., Chapter 17.* To exercise all powers conferred on the Administrator by Chapter 17, Title 35, United States Code, and to represent the Administrator in the conduct of official business with the United States Patent Office under Chapter 17, Title 35, United States Code;

(vi) *Execution of foreign applications.* To execute on behalf of the Administrator applications for foreign Letters Patent where title to the invention is in the United States Government, as represented by the Administrator;

(vii) *Determination of rights.* To sign on behalf of the Administrator all instruments announcing determinations made pursuant to subsection 305(a) of the National Aeronautics and Space Act of 1958;

(viii) *Granting of licenses and assignments.* To execute assignments of patent rights and to grant licenses for the practice of any invention for which the Administrator holds a patent on behalf of the United States;

(ix) *Acceptance of licenses and assignments.* To accept on behalf of the Government of the United States licenses to and assignments of inventions, patents, and applications for patents under the authority of subsection 203 (b) (3) of the National Aeronautics and Space Act of 1958.

(2) The Associate Administrator when he is the Acting Administrator and the General Counsel when he is the Acting Administrator are authorized and directed to apply for United States Letters Patent on inventions which become the exclusive property of the United States pursuant to section 305(a) of the National Aeronautics and Space Act of 1958. This authority shall be exercised only when an invention has a reasonable probability of being patentable and there is sufficient Government interest in the invention to justify application for United States Letters Patent by virtue of the fact that the invention is:

(i) Of primary importance to the aeronautical or space activities of the United States, or

(ii) A pioneer discovery, or

(iii) A basic scientific development, or

(iv) The subject of a substantial existing or prospective Government research and development program, or

(v) The subject of substantial existing or prospective Government production or use; or

(vi) Of a type having substantial promise of commercial utility.

(c) *Redelegation of authority.* Unless specifically restricted by law or otherwise, the authority delegated in paragraph (b) (1) of this section may be re-delegated by the General Counsel to his subordinates as required for the proper conduct of the business of the National Aeronautics and Space Administration.

(42 U.S.C. 2473, 2457)

*Effective date.* The delegations of authority in § 1204.506 are effective October 17, 1963.

JAMES E. WEBB,  
Administrator.

[F.R. Doc. 63-11193; Filed, Oct. 22, 1963;  
8:47 a.m.]

## Title 19—CUSTOMS DUTIES

### Correction

CROSS REFERENCE: For correction of a notice of proposed trade agreement negotiations and articles to be considered for negotiation, see Title 3—The President, *supra*.

## Title 28—JUDICIAL ADMINISTRATION

### Chapter 1—Department of Justice

[Order No. 306-63]

#### PART 42—EQUAL EMPLOYMENT OPPORTUNITY; POLICY AND PROCEDURE

##### Opportunity for Hearing and Review

By virtue of the authority vested in me by Executive Order No. 10590 of January 15, 1955, Part II of Executive Order No. 10925 of March 6, 1961, section 161 of the Revised Statutes (5 U.S.C. 22), and section 2 of Reorganization Plan No. 2 of 1950, paragraph (a) of § 42.12 of Chapter I of Title 28 of the Code of Federal Regulations (Order No. 265-62) is amended to read as follows:

##### § 42.12 Opportunity for hearing and review.

(a) In any case involving a complaint which has not been settled or dismissed under § 42.10 or § 42.11, respectively, the complainant shall be afforded an opportunity for an oral hearing before the Employment Policy Officer, Deputy Employment Policy Officer, or someone designated by either of them, at a convenient time and place. At such hearing, the Department shall produce any officer or employee under its jurisdiction, upon a showing satisfactory to the hearing officer of a reasonable necessity therefor. The complainant and the Department shall have the right to confront and cross-examine any witness insofar as may be necessary for a development of relevant facts directly concerning any discriminatory practice

prohibited by these regulations. Any requests for the attendance of necessary witnesses must be made in writing by the complainant at least 10 days before the date of the hearing.

Order No. 295-63 is hereby revoked.

Dated: October 21, 1963.

ROBERT F. KENNEDY,  
Attorney General.

[F.R. Doc. 63-11264; Filed, Oct. 22, 1963;  
10:10 a.m.]

## Title 41—PUBLIC CONTRACTS

### Chapter 50—Division of Public Contracts, Department of Labor

#### PART 50-202—MINIMUM WAGE DETERMINATION

##### Engines and Turbines Industry

Exceptions were filed on behalf of the three trade associations that participated in these proceedings criticizing the findings and conclusions expressed in the tentative decision determining prevailing minimum wages in the engines and turbines industry (28 F.R. 6989). That decision adopts the definition of the industry proposed in the notice of hearing. The definition is based upon Standard Industrial Classification Industry No. 351, and it appears to be satisfactory to those who participated in the hearing. Based on industry practices and the recommendations of representatives of employers, the tentative decision provides separate branch minimum wage determinations for (1) the manufacture and furnishing of steam engines, turbines, and turbine generator sets, and (2) the manufacture and furnishing of internal combustion engines. For each of these branches, it proposes one prevailing minimum wage for all the area in which the branch has its plants, because it finds that there are no geographic limitations on the competition for government contracts for the products of either branch of the industry. On the basis of an analysis of wage data submitted by representatives of employers and a Bureau of Labor Statistics (BLS) wage survey, the tentative decision finds \$1.71 an hour to be the prevailing minimum wage in the steam engines, turbines, and turbine generator sets branch, and \$1.69 an hour to be the prevailing minimum wage in the internal combustion engines branch.

The National Electrical Manufacturers Association (NEMA) which represents employers in the steam engines, turbines, and turbine generator sets branch presses its claim that it was denied a fair hearing because its application for a subpoena calling for the production of wage questionnaire responses or in the alternative a list of all establishments included in the survey was rejected on the ground that the release of this information would violate the confidentiality pledge contained in the wage questionnaire. This claim was fully considered in the tentative decision. It seems appropriate, however, to emphasize the point that the possible value of the data

sought is limited to the replacement of October 1961 data by June 1962 data for a minor part of one of the branches. This part accounts for such a small portion of the branch employment (8.5 percent) that NEMA could not possibly have been prejudiced by the denial of its application. Even if all establishments in the minor part of the branch paid minimum wages no higher than required by the Fair Labor Standards Act, the overwhelming proportion (80.4 percent) of covered workers employed in establishments paying at least \$1.71 an hour would have established that wage as prevailing.

The Internal Combustion Engine Institute (ICEI) and the Diesel Engine Manufacturers Association (DEMA) which represent employers in the internal combustion engines branch of the industry also contend that they should have been furnished data underlying the BLS wage tabulations. No attempt was made by them however, to subpoena such data prior to or during the hearing. Clearly, ICEI and DEMA have no cause to protest the failure of the government to provide them with information, of no possible value except for cross examination or as a lead to possible evidence, which they did not request while the record was open to receive such evidence. Moreover, to date, they have failed to show that the requested data are in any way inconsistent with the tentative decision.

Each exception has been carefully considered. None appears to warrant further amplification of the discussion contained in the tentative decision. Each is overruled. Each finding and conclusion, together with the reason and basis therefor, which is expressed in the tentative decision is hereby made final.

Accordingly, upon the findings and conclusions stated herein, pursuant to authority under the Walsh-Healey Public Contracts Act (41 U.S.C. sec. 35 et seq.), and in accordance with the Administrative Procedure Act (5 U.S.C. 1001 et seq.) a new 41 CFR § 50-202.34 is hereby established to read as set forth below.

For the reasons fully stated in the final decision for the paper and pulp and manifold business forms industries (26 F.R. 7698, 7699), good cause is found to, and I do hereby, make this determination effective seven days after publication of this document in the FEDERAL REGISTER.

#### § 50-202.34 Engines and turbines industry.

(a) *Definition.* (1) The engines and turbines industry is defined as that industry which manufactures or furnishes steam engines; steam turbines; hydraulic turbines; gas turbines (except aircraft); complete steam, gas, and hydraulic turbine generator sets; internal combustion engines (except aircraft and nondiesel automotive) such as diesel and semidiesel engines, including marine, locomotive, and military tank engines; jet propulsion engines (except aircraft); outboard motors and propelling units; and parts, attachments and accessories specifically designed for the foregoing products such as, but not limited to, governors for steam and gas

turbines, turbine blades, assembled diaphragms, turning gear drives, marine propulsion gears, head covers, bottom rings, discharge rings, pit liners, pistons, vibration dampers, cam follower rollers, crankshafts, piston pins and gear covers.

(2) Specifically excluded from this definition are: Prime mover generator sets (except complete steam, gas or hydraulic turbine generator sets); all types of generators; aircraft engines; rocket engines; automotive engines (except diesel); locomotives; and parts commonly recognized as products of industries other than the engines and turbines industry such as, but not limited to, temperature relays, packings, pulsation dampeners, roller and ball bearings, compressors, piping and tubing, oil pumps, couplings, rubber sealing rings, clutches, governors for diesel engines, gaskets, thrust bearings, torque converters, silencers, valve seat inserts and nonmetallic engine mountings.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of steam engines, steam turbines, hydraulic turbines, gas turbines (except aircraft), complete steam, gas, and hydraulic turbine generator sets; and parts, attachments, and accessories specifically designed for the foregoing products, shall be not less than \$1.71 an hour.

(2) The minimum wage for persons employed in the manufacture or furnishing of internal combustion engines (except aircraft and non-diesel automotive) such as diesel and semi-diesel engines, including marine, locomotive, and military tank engines; jet propulsion engines (except aircraft); outboard motors and propelling units; and parts, attachments, and accessories specifically designed for the foregoing products shall be not less than \$1.69 an hour.

Signed at Washington, D.C., this 17th day of October 1963.

W. WILLARD WIRTZ,  
Secretary of Labor.

[F.R. Doc. 63-11198; Filed, Oct. 22, 1963;  
8:47 a.m.]

### Chapter 60—The President's Committee on Equal Employment Opportunity

#### PART 60-1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

##### Definition of Subcontract; Correction

Paragraph (k) of § 60-1.2 of the amended regulations of The President's Committee on Equal Employment Opportunity, published in the FEDERAL REGISTER issue of September 7, 1963 (28 F.R. 9812), is corrected by inserting the phrase "or a subcontractor" between the words "contractor" and "where", so that such paragraph (k) reads as follows:

##### § 60-1.2 Definitions.

(k) "Subcontract" means any agreement made or purchase order executed by a prime contractor or a subcontractor where a material part of the supplies or

services covered by such agreement or purchase order is being obtained for use in the performance of a contract.

*Effective date.* This correction is effective as of September 7, 1963.

Signed at Washington, D.C., this 16th day of October 1963.

HOBART TAYLOR, Jr.,  
*Executive Vice Chairman.*

[F.R. Doc. 63-11183; Filed, Oct. 22, 1963;  
8:47 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3251]

#### WASHINGTON

#### Revoking Forest Service Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Departmental Orders of October 26, 1906, June 9, 1908, and January 8, 1907, and any other order or orders which withdrew national forest lands in the Okanogan National Forest for use of the Forest Service as administrative sites, are hereby revoked so far as they affect the following-described lands:

WASHINGTON 88570

#### WILLAMETTE MERIDIAN

*Stehekin Ranger Station Administrative Site No. 19*

T. 33 N., R. 17 E.,  
Sec. 36, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

*Prince Creek Ranger Station Administrative Site No. 21*

T. 30 N., R. 19 E.,  
Sec. 5, an irregular area of about 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

*Twin Harbor Cabin Site*

T. 31 N., R. 19 E.,  
Sec. 32, by metes and bounds, about 8 acres.

(WASHINGTON 68392)

*Goat Creek Ranger Station Site No. 55*

T. 35 N., R. 20 E.,  
By metes and bounds (about 1 acre, section number unspecified)

*Black Canyon Ranger Station Site No. 22*

T. 30 N., R. 22 E.,  
Sec. 25, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The areas described aggregate approximately 138 acres.

2. At 10:00 a.m. on November 21, 1963, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,  
*Assistant Secretary of the Interior.*

OCTOBER 16, 1963.

[F.R. Doc. 63-11169; Filed, Oct. 22, 1963;  
8:46 a.m.]

[Public Land Order 3252]

[Riverside 02659]

#### CALIFORNIA

#### Enlarging Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following described land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under jurisdiction of the Secretary of the Interior for the protection of adjacent lands and facilities maintained and operated by the Federal Aviation Agency as the China Lake Remote Transmitter Receiver Facility:

#### MOUNT DIABLO MERIDIAN

T. 27 S., R. 40 E.,  
Sec. 6, lots 8 and 9 (additional to approximately 4 acres therein withdrawn by Public Land Order No. 719, as amended by Public Land Order No. 2799), and lots 11, 13, 14 and 15.

Containing approximately 26 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,  
*Assistant Secretary of the Interior.*

OCTOBER 16, 1963.

[F.R. Doc. 63-11170; Filed, Oct. 22, 1963;  
8:46 a.m.]

[Public Land Order 3253]

[Nevada 060240]

#### NEVADA

#### Withdrawal for Protection and Development of Geological, Historical and Recreational Values; Robbers Roost Cave Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Toiyabe National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, in aid of programs of the Forest Service, Department of Agriculture, for protection and development of geological, historical and recreational values:

#### MOUNT DIABLO MERIDIAN

T. 19 S., R. 57 E.,  
Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

Containing 37.5 acres.

JOHN A. CARVER, Jr.,  
*Assistant Secretary of the Interior.*

OCTOBER 16, 1963.

[F.R. Doc. 63-11171; Filed, Oct. 22, 1963;  
8:46 a.m.]

[Public Land Order 3254]

[Colorado 0109926]

#### COLORADO

#### Revoking Air Navigation Site Withdrawal 122

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

The Departmental Order of July 12, 1938, creating Air Navigation Site Withdrawal No. 122, is hereby revoked so far as it affects the following described lands:

#### 6TH PRINCIPAL MERIDIAN, COLORADO

T. 29 S., R. 63 W.,  
Section 11, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The lands have been patented.

JOHN A. CARVER, Jr.,  
*Assistant Secretary of the Interior.*

OCTOBER 16, 1963.

[F.R. Doc. 63-11172; Filed, Oct. 22, 1963;  
8:46 a.m.]

## Title 48—TRADE AGREEMENTS AND ADJUSTMENT ASSISTANCE PROGRAMS

#### Correction

CROSS REFERENCE: For correction of a notice of proposed trade agreement negotiations and articles to be considered for negotiation, see Title 3—The President, *supra*.

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 32—HUNTING

#### National Wildlife Refuges, North Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

#### NORTH DAKOTA

#### ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,000 acres or 69 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.



(b) Open season: From 12:00 noon to sunset on November 8, 1963, and from sunrise to sunset November 9, 1963 through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rim-fire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

#### DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Des Lacs National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 17,740 acres or 94 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.

(b) Open season: From 12:00 noon to sunset November 8, 1963, and from sunrise to sunset November 9, 1963 through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rim-fire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

#### LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,707 acres or 93 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.

(b) Open season: From 12:00 noon to sunset November 8, 1963, and from sunrise to sunset November 9, 1963 through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rim-fire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

#### LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Lostwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,300 acres or 97 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.

(b) Open season: From 12:00 noon to sunset November 8, 1963, and from sunrise to sunset November 9, 1963, through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule

deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rim-fire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

#### LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres or 99.5 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.

(b) Open season: From 12:00 noon to sunset November 8, 1963, and from sunrise to sunset November 9, 1963 through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

#### SLADE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Slade National Wildlife Refuge, North

Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,840 acres or 95 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.

(b) Open season: From 12:00 noon to sunset November 8, 1963, and from sunrise to sunset November 9, 1963 through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger shall be illegal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

#### SNAKE CREEK NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Snake Creek National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 13,435 acres or 91 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.

(b) Open season: From 12:00 noon to sunset November 8, 1963, and from sunrise to sunset November 9, 1963 through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410

gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

#### UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,500 acres or 98 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: One white-tailed deer with forked antlers, or one mule deer with forked antlers may be taken by those individuals possessing a mule deer stamp.

(b) Open season: From 12:00 noon to sunset November 8, 1963, and from sunrise to sunset November 9, 1963 through November 17, 1963.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer having forked antlers on at least one side.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 18, 1963.

URBAN C. NELSON,  
Acting Regional Director, Bureau  
of Sport Fisheries and Wildlife.

OCTOBER 14, 1963.

[F.R. Doc. 63-11173; Filed, Oct. 22, 1963; 8:46 a.m.]

## PART 32—HUNTING

### Tewaukon National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

#### NORTH DAKOTA

##### TEWAUKON NATIONAL WILDLIFE REFUGE

Hunting of big game on the Tewaukon National Wildlife Refuge, North Dakota, is suspended for the 1963 season.

Annual inventory of big game animals indicates the population is such that no hunting should be permitted this year.

URBAN C. NELSON,  
Acting Regional Director, Bureau  
of Sport Fisheries and Wildlife.

OCTOBER 16, 1963.

[F.R. Doc. 63-11174; Filed, Oct. 22, 1963; 8:46 a.m.]

## Chapter III—International Regulatory Agencies (Fishing and Whaling)

### PART 301—PACIFIC HALIBUT FISHERIES

Regulations of the International Pacific Halibut Commission adopted pursuant to the Pacific Halibut Fishery Convention between the United States of America and Canada, signed March 2, 1953: Part 301 of Title 50 is revised to read as follows:

- |        |  |
|--------|--|
| Sec.   | Regulatory areas.                                  |
| 301.1  | Length of halibut fishing seasons.                 |
| 301.2  | Closed seasons.                                    |
| 301.3  | Catch limits in areas 2, 3A and 3B North Triangle. |
| 301.4  | Size limits.                                       |
| 301.5  | Licensing of vessels.                              |
| 301.6  | Retention of halibut taken under permit.           |
| 301.7  | Conditions limited validity of permits.            |
| 301.8  | Statistical return by vessels.                     |
| 301.9  | Statistical return by dealers.                     |
| 301.10 | Dory gear prohibited.                              |
| 301.11 | Retention of halibut taken by nets.                |
| 301.12 | Retention of tagged halibut.                       |
| 301.13 | Responsibility of master.                          |
| 301.14 | Supervision of unloading and weighing.             |
| 301.15 | Sealing of fishing equipment.                      |
| 301.16 | Previous regulations superseded.                   |
| 301.17 |  |

AUTHORITY: §§ 301.1 to 301.17 issued under Art. III, 50 Stat., Part II, 1953.

#### § 301.1 Regulatory areas.

(a) The "convention waters" which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern and the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(b) Area 1 (south of Willapa Bay) shall include all convention waters southeast of a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in November 1947, by the

United States Coast and Geodetic Survey, which light is approximately latitude 46°43'17" N., longitude 124°04'15" W.

(c) Area 2 (Willapa Bay to Cape Spencer) shall include all convention waters off the coasts of the United States of America and of Alaska and of Canada between Area 1 and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in June 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11'57" N., longitude 136°38'18" W.; thence south one-quarter east.

(d) Area 3A (Cape Spencer to Shumagin Islands) shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running southeast one-half east from the highest point on Kupreanof Point, which highest point is approximately latitude 55°34'08" N., longitude 159°36'00" W.; the highest point on Kupreanof Point shall be determined from Chart 8859 as published May 1954 (2d Edition) by the United States Coast and Geodetic Survey.

(e) Area 3B South (Shumagin Islands to Cape Wrangell, Attu Island, not including Bering Sea) shall include all convention waters off the coast of Alaska that are between Area 3A and a straight line running west northwest from Cape Wrangell, the westernmost extremity of Attu Island at a point approximately latitude 52°55'20" N., longitude 172°26'50" E., and that are south of straight lines running from Cape Kabuch Light at the head of Ikatan Bay, which light is approximately latitude 54°49'00" N., longitude 163°21'36" W.; thence to Cape Sarichef Light at the western end of Unimak Island, which light is approximately latitude 54°36'00" N., longitude 164°55'42" W.; thence to the head of Pumicestone Bay on Unalaska Island at a point approximately latitude 53°31'50" N., longitude 166°58'20" W.; thence to Ananiuliak Island Light on the southwest side of Umnak Island, which light is approximately latitude 52°59'48" N., longitude 168°55'06" W.; thence to Segum Island Light, which light is approximately latitude 52°23'12" N., longitude 172°26'12" W.; thence to Cape Amagalik on Tanaga Island, which cape is approximately latitude 51°40'40" N., longitude 178°07'00" W.; thence to Aleut Point at the northwest end of Amchitka Island, which point is approximately latitude 51°38'20" N., longitude 178°37'15" E.; thence to Cape Wrangell. The positions of Cape Kabuch Light and Cape Sarichef Light were determined from Chart 8860 published in March 1958 (13th Edition), revised August 1961; the position of the head of Pumicestone Bay and Ananiuliak Island Light were determined from Chart 8861, published in May 1942 (1st Edition), revised August 1961; the position of Segum Island Light was determined from Chart 8862, published in June 1960 (3rd Edition); the position of Cape Amagalik was determined from Chart 8863, published in May 1959 (6th Edition); the position of Aleut Point was determined

from Chart 8864, published in June 1962 (6th Edition); and the position of Cape Wrangell was determined from Chart 8865, published 1944 (1st Edition), revised August 1952, all charts as published by the United States Coast and Geodetic Survey.

(f) Area 3B North (Bering Sea exclusive of Area 3B North Triangle) shall include all convention waters which are not included in Areas 1, 2, 3A, 3B South and 3B North Triangle.

(g) Area 3B North Triangle (in Bering Sea) shall include all the convention waters within the following boundary as stated in terms of the magnetic compass, unless otherwise indicated; from Cape Sarichef Light at the western end of Unimak Island, which light is approximately latitude 54°36'00" N., longitude 164°55'42" W., west along the boundary line of Area 3B South, as described in paragraph (e) of this section, to the point of intersection with the meridian of 170° west at a point approximately latitude 52°48'00" N.; thence true north to a point northeast of St. Paul Island, approximately latitude 57°15'00" N., longitude 170°00'00" W.; thence to the point of origin at Cape Sarichef Light. The position of Cape Sarichef was determined from Chart 8860 published in March 1958 (13th Edition), revised August 1961. The position of the point northeast of St. Paul Island was determined from Chart 8995, published June 1954 (5th Edition), all charts as published by the United States Coast and Geodetic Survey.

#### § 301.2 Length of halibut fishing seasons.

(a) In Area 1, the halibut fishing season shall commence and terminate at the same time as the halibut fishing season in Area 2 shall commence and terminate.

(b) In Area 2, the halibut fishing season shall commence at 6:00 p.m. on the 9th day of May and terminate at 6:00 p.m. on a date to be determined and announced under paragraph (b) of § 301.4.

(c) In Area 3A, the halibut fishing season shall commence at 6:00 p.m. of the 9th day of May and terminate at 6:00 p.m. on a date to be determined and announced under paragraph (b) of § 301.4.

(d) In Area 3B South, the halibut fishing season shall commence at 6:00 p.m. of the 19th day of April and terminate at 6:00 p.m. of the 15th day of October.

(e) In Area 3B North, the halibut fishing season shall commence at 6:00 p.m. of the 25th day of March and terminate at 6:00 p.m. of the 15th day of October.

(f) In Area 3B North Triangle, the halibut fishing season shall commence at 6:00 p.m. of the 25th day of March and terminate at 6:00 p.m. on a date to be determined and announced under paragraph (b) of § 301.4, or at 6:00 p.m. of the 15th day of October, whichever is earlier.

(g) All hours of opening and closing of areas in this section and other sections of the regulations of this part shall be Pacific Standard Time, except in Area

3B North and in Area 3B North Triangle where they shall be local standard time.

#### § 301.3 Closed seasons.

(a) Under paragraph 1 of Article I of the Convention, all convention waters shall be closed to halibut fishing except as provided in § 301.2.

(b) All convention waters, if not already closed under other provisions of the regulations of this part, shall be closed to halibut fishing at 6:00 p.m. of the 30th day of November and shall remain closed until reopened as provided in § 301.2, and the retention and landing of any halibut caught during this closed period shall be prohibited.

(c) Nothing contained in these regulations shall prohibit the fishing for species of fish other than halibut during the closed halibut seasons, provided that it shall be unlawful for a vessel to have halibut aboard, or for any person to have halibut in his possession while so engaged except as provided for in § 301.7. Nor shall anything in these regulations prohibit the International Pacific Halibut Commission, hereafter in the regulations of this part referred to as "the Commission", from conducting or authorizing fishing operations for investigation purposes as provided for in paragraph 3 of Article I of the Convention.

#### § 301.4 Catch limits in Areas 2, 3A and 3B North Triangle.

(a) The quantities of halibut to be taken during the halibut fishing season in areas with catch limits shall be limited to 28,000,000 pounds in Area 2, to 34,000,000 pounds in Area 3A, and to 11,000,000 pounds in Area 3B North Triangle each of the above quantities to consist of salable halibut and the weights in each limit to be computed as with head off and entrails removed.

(b) The Commission shall as early in the said year as is practicable determine and announce the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for halibut in the area to which each limit applies shall at that date be prohibited until each area is reopened to halibut fishing as provided in § 301.2, and provided that if it shall at any time become evident to the Commission that the limit will not be reached by such date, it may substitute another date.

(c) Catch limits shall apply only to the halibut fishing season in Area 2 and to the halibut fishing season in Area 3A and to the halibut fishing season in Area 3B North Triangle.

#### § 301.5 Size limits.

The catch of halibut to be taken from all areas shall be limited to halibut which with head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are pounds or more in weight, and the possession of any halibut of less than the above length, or the above weight, according to whether the head is on or off by any vessel or by any master or operator

tor of any vessel or by any person, firm or corporation, is prohibited.

#### § 301.6 Licensing of vessels.

(a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission, provided that vessels of less than five net tons or vessels which do not use set lines need not be licensed unless they shall require a permit as provided in § 301.7.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured whether it is validated for halibut fishing or endorsed with a permit as provided in § 301.8, and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical return is required and at such times as required by other provisions of the regulations in this part. This validation of a license shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the halibut license of such vessel may be validated by customs officers or by fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(e) The halibut license of any vessel fishing for halibut in Area 3B South when Area 3A is closed to halibut fishing must be validated at Sand Point, Alaska prior to such fishing, except as provided in paragraph (f) of this section.

(f) Any vessel already fishing in Area 3B South prior to the date of closure of Area 3A may continue to fish in said area until first entry at a port or place with a validating officer or until any halibut is unloaded. The vessel must comply with paragraph (g) of this section when it departs from Area 3B South.

(g) The halibut license of any vessel departing from Area 3B South into Area 3A with any halibut on board when Area 3A is closed to halibut fishing, must be validated at Sand Point, Alaska subsequent to fishing and prior to such departure.

(h) The halibut license of any vessel fishing for halibut in Area 3B North or in Area 3B North Triangle must be validated at Sand Point, Alaska, both prior to such fishing and prior to unloading any halibut at any port or place other than Sand Point, Alaska.

(i) A halibut license shall not be validated for departure for halibut fishing in Areas 1 or 2 more than 48 hours prior to the commencement of any halibut fishing season in said areas.

(j) A halibut license shall not be validated for departure for halibut fishing in Areas 3A or 3B South or 3B North or 3B North Triangle from any port or place inside said areas more than 48 hours prior to the commencement of the halibut fishing season in each of said areas, except that a halibut license validated for fishing in Area 3B North or in Area 3B North Triangle prior to the opening of Area 3B South may at the same time be validated for halibut fishing in Area 3B South when the latter area is opened; nor shall a halibut license be validated for departure for halibut fishing in Area 3A from any port or place outside said area more than 5 days prior to commencement of the halibut fishing season in said area.

(k) A halibut license shall not be valid for halibut fishing in more than one of Areas 1, 2 or 3A, as defined in § 301.1, during any one trip nor shall it be revalidated for halibut fishing in another of said areas while the vessel has any halibut on board.

(l) A halibut license may be validated for halibut fishing in Areas 3A and 3B South except that when Area 3A is closed such validation shall be subject to the conditions contained in paragraphs (e), (f) and (g) of this section and to any other applicable provisions of these regulations.

(m) A halibut license may be validated for halibut fishing in more than one of Areas 3B South, 3B North or 3B North Triangle provided that when Area 3B North Triangle is open to halibut fishing the master or operator of the vessel shall declare in which one of the three said areas the vessel intends to fish for halibut, and provided the master or operator shall report by radio to any authorized officer at Sand Point, Alaska the intention of the vessel to shift its fishing activities to another of said areas, the date and approximate time of the shift and the amount of halibut caught in Area 3B North Triangle that is on board at the time of shifting, and such radio report shall be recorded at the time in the log book of the vessel.

(n) A halibut license shall not be valid for halibut fishing in any area closed to halibut fishing nor for the possession of halibut in any area closed to halibut fishing except while in actual transit to an area open to halibut fishing, or to or within a port of sale and as provided in paragraph (q) of this section. The said license shall become invalid for the possession of halibut if the licensed vessel is fishing or attempting to fish for any species of fish in any area closed to halibut fishing, or if the vessel has not complied with the provisions of § 301.16, if applicable.

(o) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) of this section shall not possess any halibut of any origin in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(p) A halibut license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated for halibut fishing while halibut taken under such permit is on board.

(q) A halibut license when validated for halibut fishing in Area 3A shall not be valid for the possession of any halibut in Area 2 if said vessel is in possession of baited gear more than 25 miles from Cape Spencer Light, Alaska; and a halibut license when validated for halibut fishing in Area 3B South or in Area 3B North or in Area 3B North Triangle shall not be valid for the possession of any halibut in Area 3A, when Area 3A is closed to halibut fishing, if said vessel is in possession of baited gear more than 20 miles by navigable water route from the boundary between Areas 3A and 3B South.

(r) No person on any vessel which is required to have a halibut license under paragraph (a) of this section shall fish for halibut or have halibut in his possession, unless said vessel has a valid license issued and in force in conformity with the provisions of this section.

#### § 301.7 Retention of halibut taken under permit.

(a) There may be retained for sale on any vessel which shall have a permit as provided in § 301.8 such halibut as is caught incidentally to fishing by that vessel in any area except in Area 3B North Triangle after it has been closed to halibut fishing under § 301.2 or § 301.4 with set lines (of the type commonly used in the Pacific Coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish, actually utilized, of other species not including salmon or tuna; and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed, provided that it shall not be a violation of this regulation for any such vessel to have in possession except in Area 3B North halibut in addition to the amount herein allowed to be sold if such additional halibut shall not exceed thirty percent of such amount and shall be forfeited and surrendered at the time of landing as provided in paragraph (d) of this section.

(b) Halibut retained under such permit shall not be filleted, fitched, steaked or butchered beyond the removal of the head and entrails while on the catching vessel.

(c) Halibut retained under such permit shall not be landed or otherwise removed or be received by any person, firm or corporation from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized enforcement officer of the Governments of Canada or the United States by the master or operator of said vessel and also by the person, firm or corporation receiving the halibut, and no halibut or other fish shall be landed or removed or be received from the catching vessel, except with the permission of said officer and under such supervision as the said officer may deem advisable.

(d) Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion allowed in paragraph (a) of this section until such excess, whatever its origin, shall have been forfeited and surrendered to the customs, fishery or other authorized officers of the Governments of Canada or the United States. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut, provided that the amount retained shall not exceed the proportion herein allowed.

(e) Permits for the retention and landing of halibut caught in all convention waters in the year 1963 shall become invalid at 6:00 p.m. of the 15th day of November of said year.

#### § 301.8 Conditions limiting validity of permits.

(a) Any vessel which shall be used in fishing for other species than halibut in any area except in Area 3B North Triangle after it has been closed to halibut fishing under § 301.2 or § 301.4 must have a halibut license and a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in § 301.7.

(b) The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area or areas for which the permit is issued.

(c) The permit shall terminate at the time of the first landing thereafter of fish of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while said vessel was licensed to fish halibut in an open area unless such halibut shall be considered as taken under the issued permit and shall thereby be subject to forfeiture when landed if in excess of the proportion permitted in paragraph (a) of § 301.7.

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific Coast halibut fishery.

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port for each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area or areas in which the vessel will fish is entered on the halibut license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license or permit, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.9 of these regulations the permit of such vessel may be granted by customs or fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(g) The permit of any vessel shall not be valid if said vessel shall have in its possession at any time halibut in excess of the amount allowed under paragraph (a) of § 301.7.

(h) No person shall retain, land or sell any halibut caught incidentally to fishing for other species in any area closed to halibut fishing under § 301.2 or § 301.4, or shall have halibut of any origin in his possession during such fishing, unless such person is a member of the crew of and is upon a vessel with a halibut license and with a valid permit issued and in force in conformity with the provisions of §§ 301.7 and 301.8.

#### § 301.9 Statistical return by vessels.

(a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under the regulations of this part and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in §§ 301.7 and 301.8, within 96 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of each species taken within the area or areas defined in the regulations in this part, for which the vessel's license is validated for halibut fishing or within the area or areas for which the vessel's license is endorsed as a permit.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required.

(d) The master or operator or any person engaged on shares in the operation of any vessel licensed or holding a permit under the regulations of this part may be required by the Commission or by any officer of the Governments of Canada or the United States authorized to receive such return to certify to its cor-

rectness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license or permit under the regulations in this part shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be retained for a period of two years and shall be open to inspection by representatives of the Commission authorized for this purpose.

(f) The master, operator or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the Commission or by any officer of the Governments of Canada or the United States to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

(g) The master or operator of any vessel holding a license validated for fishing in Area 3B North or in Area 3B North Triangle on entering Sand Point, Alaska enroute to another port to unload, must report to an authorized representative of the United States or of the Commission the estimated amount of halibut on board that was caught in each regulatory area.

#### § 301.10 Statistical return by dealers.

(a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of the Governments of Canada or the United States or to representatives of the Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

(b) All persons, firms or corporations receiving fish from a vessel fishing under permit as provided in § 301.7 shall within 48 hours make to an authorized enforcement officer of the Governments of Canada or the United States a signed statistical return showing the date, locality, name of vessel received from and the amount of halibut and of other species landed with the halibut and certifying that permission to receive such fish was secured in accordance with paragraph (c) of § 301.7. Such persons, firms or corporations may be required by any officer of the Governments of Canada or the United States to support the accuracy of the above signed statistical return with a sworn statement.

(c) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be retained for a period of two years and shall be open at all times to inspection



by any enforcement officer of the Governments of Canada or the United States or by any authorized representative of the Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(d) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license or a vessel without a permit when such license or permit is required, is prohibited.

(e) No person, firm or corporation shall unload any halibut from any vessel that has fished for halibut in Area 3B South or in Area 3B North or in Area 3B North Triangle after the closure of Area 3A unless the license of said vessel has been validated at Sand Point, Alaska as required in paragraphs (e) and (g) of § 301.6, and unless the vessel has complied with the provisions of § 301.16, or unless permission to unload such halibut has been secured from an enforcement officer of the Governments of Canada or the United States.

#### § 301.11 Dory gear prohibited.

The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of these regulations is prohibited in all convention waters.

#### § 301.12 Retention of halibut taken by nets.

(a) It is prohibited to retain halibut taken with a net of any kind or to have in possession any halibut while fishing with any net or nets other than bait nets in any convention waters except in those waters of Area 3B North that are west of the meridian of 175° W. longitude and north of a line running from Cape Newenham, which cape is approximately latitude 58°39'00" N., longitude 162°10'25" W. to a point northeast of St. Paul Island, approximately latitude 57°15'00" N., longitude 170°00'00" W.; thence to a point of intersection with the meridian of 175° W. longitude at approximately 58°38'00" N. latitude. The position of Cape Newenham was determined from Chart 9103 published September 29, 1958

(3d Edition), revised April 30, 1962 by the United States Coast and Geodetic Survey.

(b) All vessels with any halibut on board except those fishing in or in transit to or in transit from the waters of Area 3B North described in paragraph (a) of this section are prohibited to use or possess any net or nets other than bait nets.

(c) The character and the use of bait nets referred to in paragraphs (a) and (b) of this section shall conform to the laws and regulations of the country where they may be utilized and shall be of a type commonly used for such purposes and said bait nets shall be utilized for no other purpose than the capture of bait for use of the vessel carrying them.

#### § 301.13 Retention of tagged halibut.

Nothing contained in the regulations in this part shall prohibit any vessel at any time from retaining and landing any halibut which bears a Commission tag at the time of capture, provided that such halibut with the tag still attached is reported at the time of landing to representatives of the Commission or to enforcement officers of the Governments of Canada or the United States and is made available to them for examination.

#### § 301.14 Responsibility of master.

Wherever in the regulations of this part any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

#### § 301.15 Supervision of unloading and weighing.

The unloading and weighing of the halibut of any vessel licensed under the regulations in this part and the unloading and weighing of halibut and other species of any vessel holding a permit under the regulations in this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of the regulations in this part.

#### § 301.16 Sealing of fishing equipment.

Any fishing vessel, prior to departing from Area 3B South into Area 3A with any halibut on board when Area 3A, as defined in § 301.1, is closed to halibut fishing, shall be equipped with approved attachments on the chute to permit the securing of a seal or seals, and prior to such departure shall request that said chute or the gurdy used for hauling gear or both chute and gurdy be sealed with such seal or seals as shall be required by any customs or fishery officer or any other duly authorized officer of the Government of the United States. The vessel shall keep such seal or seals intact until removed by a customs or fishery officer of the United States or of Canada and shall not unload any halibut until such time as said officer removes the seal or seals and grants permission to unload.

#### § 301.17 Previous regulations superseded.

The regulations in this part shall supersede all previous regulations adopted pursuant to the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, signed March 2, 1953, except as to offenses occurring prior to the approval of these regulations. The regulations in this part shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the Commission pursuant to these regulations shall become effective immediately.

WM. M. SPRULES,  
*Chairman.*  
H. A. DUNLOP,  
*Secretary.*  
HAROLD E. CROWTHER,  
*Vice Chairman.*  
WILLIAM A. BATES.  
HAROLD S. HELLAND.  
MATTIAS MADSEN.  
RICHARD NELSON.

Approved: June 8, 1963.

JOHN F. KENNEDY.

[F.R. Doc. 63-11158; Filed, Oct. 22, 1963;  
8:45 am]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service HANDLING OF MILK IN CERTAIN MARKETING AREAS

#### Notice of Hearing on Proposed Amendments to Tentative Market- ing Agreements and Orders

7 CFR Part	Docket No.	Marketing area
1032	AO-313-A4.....	Suburban St. Louis.
1061	AO-327-A4.....	St. Joseph, Mo.
1062	AO-108-30.....	St. Louis, Mo.
1064	AO-23-A25.....	Greater Kansas City.
1067	AO-222-A14.....	Ozarks.
1071	AO-227-A15.....	Neosho Valley.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Tower Room, Aladdin Hotel, 1312 Wyandotte Street, Kansas City, Missouri, beginning at 10:00 a.m., local time, on October 28, 1963, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in each of the above designated marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Producers Creamery Company, Springfield, Missouri; The Pure Milk Producers Association of Kansas City, Missouri; Sanitary Milk Producers; St. Joseph Milk Producers Association; Shawnee Milk Producers Association; Greene County, Missouri, Milk Producers Association; The Neosho Valley Cooperative Creamery Association; and the Southwest Milk Producers Association:

**Proposal No. 1.** Amend each of the above orders to increase the Class I prices 25 cents per hundredweight effective through April 1964.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

**Proposal No. 2.** Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Office of the Hearing Clerk, Room 112, Ad-

ministration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be procured from the offices of the market administrators listed below or may be there inspected:

308 North Walnut, Pittsburg, Kansas (P.O. Box 601).  
7939 Floyd Avenue, Overland Park, Kansas (P.O. Box 4336).  
2710 Hampton Avenue, St. Louis, Missouri, 63139.

Signed at Washington, D.C., on October 21, 1963.

CLARENCE H. GIRARD,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 63-11238; Filed, Oct. 22, 1963;  
8:49 a.m.]

## DEPARTMENT OF LABOR

### Office of the Secretary

#### [ 29 CFR Subtitle A ]

### NONDISCRIMINATION IN APPRENTICESHIP AND TRAINING

#### Notice of Proposed Rule Making

This document sets forth the substance of rules regarding nondiscrimination in apprenticeship which the Secretary of Labor proposes to issue pursuant to the authority granted him in the 29 U.S.C. 50 and 5 U.S.C. 22.

**A. Background and policy.** President Kennedy, in a statement dated June 4, 1963, directed the Secretary of Labor "in the conduct of his duties under the Federal Apprenticeship Act (29 U.S.C. 50-50b) and Executive Order No. 10925 (26 F.R. 1977) to require that the admission of young workers to apprenticeship programs be on a completely non-discriminatory basis." The President further directed that "all Federal construction programs be reviewed to prevent any racial discrimination in hiring practices, either directly in the rejection of presently available qualified Negro workers or indirectly by the exclusion of Negro applicants for apprenticeship training."

Pursuant to these instructions, the Secretary of Labor directed the Bureau of Apprenticeship and Training to insure that all apprenticeship or apprenticeship and training programs now federally registered operate on the basis of the following standards:

1. The selection of apprentices on the basis of qualifications alone, in accordance with objective standards which permit review after full and fair opportunity for application, unless the selections otherwise made would themselves demonstrate that there is equality of opportunity.

2. The taking of whatever steps are necessary, in acting upon application lists developed prior to this time, to remove the effects of previous practices

under which discriminatory patterns of employment may have resulted.

3. Nondiscrimination in all phases of apprenticeship and employment during apprenticeship after selections are made.

Discrimination based on race, creed, color, or national origin has no place in American life today, particularly in the programs by which young people acquire the skills that determine their future employment prospects. Full equality of opportunity for all is a goal toward which both labor and management have pledged their efforts and which warrants the full cooperation of labor, management and the community.

**B. General directions.** This document sets forth procedures to be used in implementing the program set forth by the President and the Secretary. The Bureau's primary job, in this context, is to encourage and assist program sponsors and the community in achieving equally of opportunity, voluntarily and by their own efforts, through the adoption and implementation of the equal opportunity standards for apprenticeship set forth above. This encouragement and assistance is to be undertaken constructively and in a manner reflecting the historic advisory and counseling services of the Bureau. If there should be apprenticeship programs in which equal opportunity cannot be obtained voluntarily through the various processes outlined in this document, procedures are set forth below for the withholding or withdrawal of governmental recognition from such apprenticeship programs.

**C. Promotion of equal opportunity.** Regional Directors shall take immediate steps to inform all sponsors of federally registered apprenticeship programs of the policy, standards and requirements set forth in this document and to promote the voluntary acceptance by sponsors of the standards. Regional Directors shall insure that general publicity is given to the Bureau's non-discrimination policy and program and that Bureau field personnel give continuing leadership toward acceptance of these policies. Recognizing that the policies set forth herein will effect their purpose only if qualified applicants from racial and ethnic minorities are informed with respect to apprenticeship opportunities that will be available under the revised standards, Regional Directors shall make special effort to guarantee that the organizations most useful in assuring such a supply of candidates (schools, public employment service, minority group organizations, etc.) are informed of the revised program. Regional Directors should lay plans with such groups for the stepped-up information and counseling program that will be needed to obtain qualified minority group applicants.

**D. Program reviews.** Regional Directors shall initiate a systematic review of existing federally registered programs, inform program sponsors of the equal

opportunity standards, encourage their adoption, and take appropriate action regarding programs which do not adopt and operate in accordance with the standards. Each program review shall involve the following steps:

1. Notification to the program sponsor of the equal opportunity standards and the taking of all appropriate action to urge their voluntary acceptance.

2. Maintenance of a file on the program review which shall accompany the report forwarded regarding the review.

3. Determination of racial and ethnic composition of the program. Where the composition of the program demonstrates that there is equality of opportunity no further review will be made. A file shall be maintained regarding such programs, which will contain the information which indicates that equal employment opportunity is being provided. This file shall be forwarded through supervisory channels to the Administrator of the Bureau of Apprenticeship and Training for review.

4. Use of the following checklist:

a. *The formal program language requirement.* Does the program contain a formal non-discrimination clause consistent with the equal opportunity standards set forth in section A of this document? (Programs already containing the language required by Circular 62-5 are not required to adopt new written provisions. See section H.)

b. *Selection of apprentices—(1) Selection on the basis of qualifications alone.* (a) Does the program select apprentices on the basis of qualifications alone in accordance with objective standards which permit review after full and fair opportunity for application (see section G.1 below) and

(b) Is the application list composed entirely of applicants selected and ranked solely on the basis of qualifications alone in accordance with objective standards that permit review after full and fair opportunity for application? (See sections G.1d and G.2 below.)

(2) *Alternative selection plan.* If the program does not qualify under section (1) above, has the program adopted an alternative equal opportunity plan for selecting apprentices which is consistent with the standards for apprenticeship set forth in section A and which is acceptable to the Administrator? Does the program operate in accordance with such plan? Field representatives should submit through channels to the Administrator for approval alternate selection plans which appear to be consistent with the equal opportunity standards set forth in section A. A copy of the approved plan should be included in the case file.

c. *Program operation.* Is there any discrimination in apprenticeship or employment during apprenticeship, including but not limited to job assignment, promotion, demotion, layoff, or termination, rates of pay or other forms of compensation or conditions of work? (See section G.3 below.)

5. Where the program has not adopted or is not operating in accordance with the equal opportunity standards, the field representative shall notify the pro-

gram sponsor (even in group programs where it is an individual employer who is deficient) and indicate possible methods of providing equal opportunity in accordance with this document. For a reasonable time, not to exceed 30 days from the time the sponsor is notified of the lack of equal opportunity, the field representative shall make every reasonable effort to encourage corrective action, recording the facts and information in the case report. This effort to obtain corrective action shall include an opportunity for any body designated by the program sponsor or industry group for reviewing complaints of discrimination to resolve the issue.

6. At the close of the review for programs found to be in conformity, or at the close of the time allowed for voluntary corrective action for programs found not to be in conformity, the field representative shall forward the case file through supervisory channels to the Regional Director for review.

7. The Regional Director shall review findings of conformity or achievement of corrective action on a spot check basis in sufficient proportion to assure himself that Bureau equal opportunity policy is being properly carried out. Where upon review the Regional Director does not concur in the finding of the field representative, he may order further investigation or such other action as may be necessary and appropriate.

8. Upon receipt of any finding of non-conformity by a field representative, the Regional Director shall notify the program sponsor that such a finding has been made and that the program will be deregistered unless the finding is set aside or appropriate corrective action taken. The sponsor shall have 15 days within which to file a written request for a hearing with the Regional Director.

a. If the program sponsor does not request a hearing within 15 days, the Regional Director shall review the case.

(1) Where upon review the Regional Director concurs in the findings of non-compliance and failure to achieve satisfactory corrective action, he shall so notify the program sponsor and the complainant, if any, and shall forward the case file to the Administrator, stating his concurrence and his recommendations, if any.

(2) Where upon review, the Regional Director does not concur in the finding of the field representative, he may order further investigation or such other action as may be necessary and appropriate.

b. If the program sponsor within 15 days files a written request, the sponsor shall be accorded a hearing before a hearing officer designated by the Regional Director. The hearing shall be informally conducted. Every party shall have the right to counsel and a fair opportunity to present its case or defense, including a right of cross-examination. The hearing officer shall prepare a decision on the basis of the record before him, setting forth findings and conclusions on the question of noncompliance and recommendations, if any. This decision shall be final as to any complainant with respect to whom it is ad-

verse. Copies of the decision shall be furnished to the program sponsor, and the complainant, if any. Exception to the decision may be filed by the program sponsor with the Administrator within 15 days. If exceptions are filed and if there is a complainant, a copy of the exception filed shall be furnished to him and he shall be given 15 days in which to file a reply with the Administrator. A copy of such reply shall be furnished to the program sponsor.

9. Upon receipt of the Regional Director's concurrence in the finding of the field representative or of a decision of a hearing officer that a program is not in conformity, the Administrator will so inform any private organization designated by the industry in question to assist in achieving equal opportunity and shall allow the organization a reasonable time normally not to exceed 20 days to achieve voluntary corrective action.

10. Following the receipt of exceptions and replies to be filed or for the action provided for in subsection 9 above, the Administrator shall render a final decision in writing based on the file or the record as the case may be. If the decision is that the program is in non-conformity and that satisfactory action to achieve conformity has not been taken, the program shall be deregistered. The Administrator shall notify the Regional Director, the Program sponsor, the complainant, if any, and any private organizations of the type described in subsection 9 of his decision. In each case in which deregistration is ordered the Administrator will make public notice of the order and will notify the President's Committee on Equal Employment Opportunity and the Solicitor of Labor who will notify contracting agencies.

11. If in the judgment of the Administrator a particular situation warrants and requires special processing and expedited determination, he shall take the steps necessary to permit such determination: *Provided*, That no person or party affected by such determination shall be prejudiced by such special processing.

12. *Priorities:* Until such time as all larger programs shall have been reviewed, field representatives shall not review programs with a total of 5 or less apprentices in training except in connection with the processing of complaints. Review should also be deferred of programs which have been examined under the complaint procedure provided for in section E below and which have been found by the Bureau to provide equal opportunity or which have taken necessary action to provide such opportunity.

E. *Complaint processing.* Complaints may be filed with the Bureau or any field representative by any applicant or apprentice who feels that he has been discriminated against on the basis of race, creed, color, or national origin with regard to apprenticeship or that the equal opportunity standards have not been followed in his case. The complaint shall be in writing and shall be signed by the complainant. It must include the name, address, and telephone number of the person allegedly discriminated



against, the program sponsor involved and a brief description of the circumstances of the alleged discrimination. Complaints received by the Bureau headquarters office will be transmitted to the field for processing. It is Bureau policy to encourage local program sponsors to establish, either individually or in an industry group, fair, speedy and effective procedures for reviewing complaints of discrimination. The desirability of establishing such review procedures should be brought to the attention of all program sponsors as soon as possible. Regional Directors shall institute procedures to insure that upon receipt of any complaint field representatives shall:

1. Prepare and maintain a complete case file for each complaint received. It shall contain the original complaint, reports of investigations and visits, and correspondence with the employer, the program sponsor, and others regarding all phases of the case in chronological order, including recommendations made and final disposition of the case. This file shall be forwarded to the Regional Director for review upon local disposition of each complaint. A separate local office correspondence and reports file shall be maintained for essential internal records and correspondence regarding each case.

2. When the program sponsor or industry group has designated a body for reviewing complaints of discrimination, the Bureau field representative, upon receiving a complaint shall after establishing a case file direct the complainant to file his complaint with the representative of the review body. He shall give the complainant the name and address of this representative.

3. No later than 60 days following the filing of a complaint with the review body by the complainant the field representative shall obtain reports from the complainant and the review body of the disposition of the complaint. If the complaint has been satisfactorily adjusted and there is no other indication of failure to apply equal opportunity standards, the case shall be closed and the parties appropriately informed.

4. When a complaint has not been resolved through local review procedures within 60 days, where no local review procedure exists or where despite satisfactory resolution of the complaint there is evidence that the equal opportunity practices of the program are not in accordance with these rules, the field representative shall notify the program sponsor of the complaint or such evidence, solicit a response from the sponsor and conduct whatever other investigation is necessary to determine the facts, including where necessary, interrogation of the complainant, the employer and other involved persons. The pertinent facts should be recorded.

5. Where the program is not operating in accordance with the equal opportunity standards, the field representative shall notify the program sponsor (even in group programs where it is an individual employer who is deficient) and indicate possible methods of providing equal opportunity in accordance with this document. For a reasonable time, not to exceed 15 days from the

time the sponsor is notified of the lack of equal opportunity, the field representative shall make every reasonable effort to encourage corrective action, recording the facts and information in the case report.

6. From this point on, complaints shall be processed procedurally in the same manner as program reviews (see section D. 6-11).

*F. Reinstatement of program registration.* Any program deregistered pursuant to this document may be reinstated upon presentation of adequate evidence to the Administrator that the program has established and is operating under a selection system based on qualifications alone and is in compliance with the equal opportunity standard set forth in section A (3).

*G. Interpretations—1. Selection on the basis of qualifications.* The Bureau encourages program sponsors to adopt a system of apprentice selection based solely on qualifications "in accordance with objective standards which permit review, after full and fair opportunity for application" on the ground that this kind of system is the one most in accord with a free and democratic society.

a. "Objective standards which permit review" does not mean that all programs must have identical standards for selection. It does mean that qualifications and eligibility must be determined by specific requirements so that questions of discrimination in selection can be promptly adjudicated. These requirements must be established and disseminated publicly prior to selection.

b. Selection "on the basis of qualifications alone" means that apprentices are chosen from those applicants meeting the minimum qualifications for the trade or craft solely on the basis of their qualifications compared to those of other applicants. Examples of standards by which comparative qualifications may be determined are fair aptitude tests, high school diploma, age requirements, occupationally essential physical requirements, fair interviews, high school grades and previous work experience. Under this test, both actual selection for and entry into apprenticeship must be on the basis of comparative qualifications alone.

It is not enough for a program to establish a lengthy list on the basis of minimum qualifications standards and then select apprentices from the list on a basis other than comparative qualifications such as on the basis of time of application. Where the number of applicants meeting the qualification requirement is greater than the number of job openings, "qualifications alone" means (1) that the applicants are ranked on the basis of criteria which measure comparative qualifications (e.g., fair aptitude tests, etc.) and are selected on the basis of the rankings, or (2) that without ranking each individual, criteria which measure comparative qualifications are used to identify the "best qualified" in a total number not in excess of the total number of apprentice openings and selections for employment from within the "best qualified" group are made through any nondiscriminatory system.

c. To "permit review" adequate records must be kept of the selection process. These must include a brief summary of each interview and the conclusions on each of the specific factors, e.g., motivation, ambition, willingness to accept direction, which are part of the total judgment.

d. "After full and fair opportunity for application" means that the program sponsor has, prior to the time of selection and in the future at least once annually, allowed a substantial period of time for new applicants to apply for apprenticeship, has publicly disseminated information about the availability of apprenticeship opportunities and has ranked the new applicants thus received along with previous applicants on the basis of their comparative qualifications. In the future, such information shall be posted at the normal place of application for apprenticeship and disseminated to the local employment service and the local schools. The information so disseminated must describe the qualification standards and selection procedures, and specify the anticipated number of openings, the method and place of making application, the dates within which applications will be accepted. It should indicate the approximate date at which the results of the selection process will be made known to all the applicants.

2. *Necessary action on prior application lists.* Where program sponsors have or adopt a selection system based on qualifications as specified in section G. 1 the standard stated in section A. 2 does not require any action with regard to "application lists developed prior to this time" beyond that required by section G. 1. Where program sponsors do not have a selection system based on qualifications, the Standard stated in section A. 2 requires that "application lists developed prior to this time" be opened to the extent necessary to provide current opportunities for selection of qualified members of racial and ethnic minority groups.

3. *Nondiscriminatory operation.* There must be no discrimination in apprenticeship or employment during apprenticeship after selections have been made, including but not limited to job assignment, promotion, layoff or termination, rates of pay or other forms of compensation or conditions of work. All apprentices employed shall be subject to the same job performance requirements.

4. *Selection from existing employees.* Where apprentices are selected from a restricted pool, e.g., from present employees, admissions to the pool as well as selection for apprenticeship shall after the effective date of this document be on a nondiscriminatory basis. Selections from the pool may be made on the basis of seniority of employment.

*H. Program language requirements.* Each federally registered apprenticeship program which does not now contain a nondiscrimination clause in the form required by Circular 62-5<sup>1</sup> must contain a

<sup>1</sup> The language now required by Circular 62-5 is as follows: "Selection of apprentices under this program shall be made from qualified applicants without regard to race, creed, color, national origin or physical handicaps; women shall not be barred from apprenticeships for which they qualify."

formal nondiscrimination clause consistent with the equal opportunity standards set forth in section A of this document. The Bureau suggests the following language as appropriate for adoption by program sponsors desiring to select apprentices on the basis of qualifications alone: "Selection of apprentices under the program shall be made from qualified applicants on the basis of qualifications alone and without regard to race, creed, color, national origin, sex or physical handicaps in accordance with objective standards which permit review, after full and fair opportunity for application; and this program shall be operated on a completely nondiscriminatory basis." Irrespective of the form of the formal nondiscrimination clause adopted, all federally registered apprenticeship programs are required to operate in accordance with the equal opportunity standards as stated and interpreted above and all Bureau correspondence regarding program language requirements shall so indicate.

**I. New programs.** Any program seeking Federal registration hereafter must select apprentices on the basis of qualifications alone in accordance with objective standards which permit review after full and fair opportunity for application and must adopt a nondiscrimination clause in the form suggested in section II or its equivalent. In addition to the language requirement, the submission to the Bureau must include a concise statement of the selection procedure and of the selection standards which the program sponsor proposes to apply.

**J. Bureau and State agency cooperation.** (a) Regional Directors shall encourage State Apprenticeship Council (SAC) States to accept the equal opportunity standards for apprenticeship and to adopt effective procedures to implement the standards including program reviews, the processing of complaints, deregistration of noncomplying programs, and consultation and cooperation with private organizations designated by the industry in question to assist in achieving equal opportunity in apprenticeship. Regional Directors shall submit nondiscrimination programs developed by States to the Administrator for determination as to consistency with the equal opportunity standards. Where State programs are determined to be consistent with the equal opportunity standards, Regional Directors shall work out with SAC States a division of responsibilities between Federal and State personnel for carrying out the procedures adopted to implement the policy. This division should generally be based on present assignments for the servicing of apprenticeship program accounts.

(b) In SAC States which adopt a nondiscrimination program consistent with the equal opportunity standards, BAT field representatives shall file their reports with BAT State supervisors. Where the State supervisor concurs in any finding of noncompliance and failure to take corrective action, he shall forward the file to the State agency with a recommendation for deregistration. He shall

at the same time notify the Regional Director who will notify the Administrator.

(c) Regional Directors shall request that SAC State agencies notify them of any State deregistration. Regional Directors shall then notify the Administrator who will in turn notify the President's Committee on Equal Employment Opportunity and the Solicitor of Labor. The Solicitor of Labor will notify contracting agencies.

(d) Regional Directors shall consult with State officials regarding methods of cooperation with State fair employment practices commissions and shall report the results of such consultations to the Administrator. Interested persons may submit written statements of data, views, or arguments in regard to any or all of the policies or procedures contained in this proposal within 15 days after this document is published in the FEDERAL REGISTER. Submissions should be directed to the Secretary of Labor, United States Department of Labor, Constitution Avenue and 14th Street NW., Washington 25, D.C.

Signed at Washington, D.C., this 18th day of October 1963.

W. WILLARD WIRTZ,  
Secretary of Labor.

[F.R. Doc. 63-11202; Filed, Oct. 22, 1963;  
8:47 a.m.]

#### Wage and Hour Division

#### [ 29 CFR Part 526 ]

### LUMBER; ICE AND SNOW ROAD HAULING, PULPWOOD SAP PEEL- ING, AND SPRING FRESHET DRIV- ING

#### Proposed Revocation as Seasonal Industry

Pursuant to the authority found in paragraph 7(b)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), and pursuant to the procedure prescribed in 29 CFR 526.6, a proposal is hereby made to revoke the following seasonal industry determinations as to lumber, ice and snow road hauling branch, Maine, Massachusetts, New Hampshire, Pennsylvania, Vermont, Michigan, Minnesota, Wisconsin and New York, pulpwood sap peeling branch, and spring freshet driving branch.

After considering results of a study made of technological advancements in the area of lumbering since the original determination of the above mentioned operations as seasonal industries, coupled with the fact that recent studies disclose these operations to be but steps in the logging industry, and not separable branches thereof or separate industries of and in themselves, I have preliminarily determined that a prima facie case exists for the revocation of the seasonal

industry determinations as to these operations. In accordance with 29 CFR 526.6, I propose to revoke the determinations that the above mentioned operations are seasonal industries within the meaning of paragraph 7(b)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207).

Any person adversely affected by this proposal may file a written statement of data, views, and argument and request a hearing by writing to the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 16th day of October 1963.

CLARENCE T. LUNDQUIST,  
Administrator.

[F.R. Doc. 63-11166; Filed, Oct. 22, 1963;  
8:45 a.m.]

#### [ 29 CFR Part 526 ]

### OPEN-CUT MINING OF PLACER GOLD BY HAND AND POWER MACHIN- ERY

#### Proposed Seasonal Industries

Pursuant to the authority in paragraph 7(b)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), and pursuant to the procedure prescribed in 29 CFR 526.6, a proposal is hereby made to amend the determination that open-cut mining of placer gold by hand in Colorado, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, and Wyoming, and open-cut mining of placer gold by both hand and power machinery in Alaska are seasonal industries. This proposal is based upon findings that this type of mining by hand in all States named above except Alaska no longer exists as a separable branch of the placer gold mining industry. Based upon these findings, I have determined preliminarily, pursuant to the procedure prescribed in 29 CFR 526.6, that a prima facie case is established for amending the determination so as to apply it solely to open-cut mining of placer gold by hand and power machinery in Alaska.

Any person adversely affected by this proposed amendment may file a written statement of data, views and argument and may request a hearing by writing to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th and Constitution Avenue NW., Washington 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 16th day of October 1963.

CLARENCE T. LUNDQUIST,  
Administrator.

[F.R. Doc. 63-11167; Filed, Oct. 22, 1963;  
8:46 a.m.]

**[ 29 CFR Part 526 ]**

**DECORTICATION AND DRYING OF  
RAMIE FIBER IN FLORIDA**

**Proposed Revocation as Seasonal  
Industry**

Pursuant to paragraph 7(b) (3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), and pursuant to the procedure prescribed in 29 CFR 526.6, a proposal is hereby made to revoke the determination that decortication and drying of ramie fiber in Florida is an industry of a seasonal nature. This proposal is based upon studies which disclose that ramie fiber is no longer being decorticated and dried in Florida. Having found that the above industry no longer exists in Florida, I have preliminarily determined that a prima facie case exists for the revocation of its determination as a seasonal industry.

Any person adversely affected by this proposal may file a written statement of data, views, and argument and request a hearing by writing to the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 16th day of October 1963.

CLARENCE T. LUNDQUIST,  
*Administrator.*

[F.R. Doc. 63-11165; Filed, Oct. 22, 1963;  
8:45 a.m.]

**FEDERAL HOME LOAN BANK  
BOARD**

**[ 12 CFR Part 563 ]**

[FSLIC-1,671]

**MORTGAGE LOANS, PROFIT ON REAL  
ESTATE SOLD AND RELATED ITEMS**

**Termination of Proposed Rule Making  
Proceedings Regarding Charges  
and Credits**

OCTOBER 18, 1963.

Whereas, by resolution No. FSLIC-1,039, dated January 26, 1961, and duly published in the FEDERAL REGISTER on February 1, 1961 (26 F.R. 986), as amended by resolution No. FSLIC-1,081, dated March 29, 1961, and duly published in the FEDERAL REGISTER on April 1, 1961 (26 F.R. 2758), this Board resolved that pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508), and § 567.1 of the rules and regulations for insurance of accounts (12 CFR 567.1), it was proposed that Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563) be amended by the addition of a new section, § 563.23-1 *Charges and credits with respect to mortgage loans, profit on real estate sold, and related items*, the substance of which

amendment was set out in said publications, and

Whereas, careful consideration has been given to such proposed amendment;

It is hereby resolved, that this Board hereby determines not to adopt the amendment proposed by said resolution No. FSLIC-1,039, as amended by resolution No. FSLIC-1,081.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,  
*Assistant Secretary.*

[F.R. Doc. 63-11200; Filed, Oct. 22, 1963;  
8:47 a.m.]

**[ 12 CFR Part 563 ]**

[FSLIC-1,672]

**MORTGAGE LOANS, SALE OF REAL  
ESTATE OWNED AND RELATED  
ITEMS**

**Proposed Premiums, Charges, and  
Credits**

OCTOBER 18, 1963.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for insurance of accounts (12 CFR 567.1), it is hereby proposed that Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563) be amended by an amendment the substance of which is as follows:

Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563) is hereby amended by adding thereto, immediately after § 563.23, the following new section:

**§ 563.23-1 Premiums, charges, and credits with respect to mortgage loans; sale of real estate owned; and related items.**

(a) *Premiums.* A premium paid by an insured institution in connection with the acquisition of a mortgage loan may be charged off when paid or may be capitalized; if capitalized, a proportionate amount thereof shall be charged to expense, at least semiannually, over the remaining term of the loan.

(b) *Charges.* All acquisition charges, as hereinafter defined, in connection with the making or acquisition of a mortgage loan by an insured institution shall be charged to such institution's expense for the accounting period in which such charges are incurred and shall not be deferred beyond the end of such accounting period.

(c) *Credits deferred.* Any acquisition credits, as hereinafter defined, in connection with the making or acquisition of any mortgage loan by an insured institution, not treated as provided in paragraph (d) of this section, shall be deferred and shall be credited to an account descriptive of deferred income, and a proportionate amount of all acquisition credits so deferred shall be credited to income, at least semiannually, over a period of 8 years (representing the aver-

age life of insured institutions' mortgage loans).

(d) *Credits not deferred.* If, during any fiscal year, in connection with the making or acquisition of any mortgage loan, any acquisition credits are not deferred in the manner provided in paragraph (c) of this section, an insured institution shall credit from its net income for such fiscal year, to a reserve account that shall be established for losses and entitled "Reserve for Losses—Insurance Regulation 563.23-1", an amount equal to the amount of acquisition credits applicable to such loans. Credits to such reserve account shall be in addition to and not a part of reserve credits required to be made by § 563.13; and such reserve account shall not be considered a part of such institution's Federal insurance reserve account, shall not receive credits from any source other than that provided in this paragraph (d), and shall not receive any charges except as set forth in paragraph (e) of this section. No part of such reserve account shall be available for earmarking pursuant to paragraph (b) of § 563.13.

(e) *Application of credits not deferred.* In each fiscal year one-tenth part of the credits required to be made during such fiscal year and during prior fiscal years to the reserve account provided for in paragraph (d) of this section shall become available for credit from such account to such institution's Federal insurance reserve account. Without limitation on the generality of the foregoing provisions of this paragraph (e), any credit made pursuant to said provisions shall, for the purposes of any provision of paragraph (c) of § 563.13 for credits from specified sources, be regarded as having been made from such sources. Charges for the purpose of absorbing losses may be made in any fiscal year to the reserve account provided for in paragraph (d) of this section, provided the Federal insurance reserve account of such institution and all its other reserve accounts established for the purpose of absorbing losses shall first have been exhausted by losses.

(f) *Sale of loans.* If a mortgage loan owned by an insured institution is sold without recourse in whole or in part at a premium or a discount, such premium or discount shall be credited or charged, respectively, to such institution's income or expense for the accounting period in which the loan is sold and shall not be deferred beyond the end of such accounting period.

(g) *Sale of real estate owned.* When an insured institution sells real estate owned by it, such institution's records shall disclose the book value of such real estate at the time of such sale and the price at which it is sold. If such sale results in a profit, such part of the profit as is proportionate to the part of the sale price not received by the institution in cash at the time of sale shall be deferred and credited to an account descriptive of unearned profit on real estate sold; thereafter such unearned profit shall be deemed to have been realized to no greater extent than is proportionate to the reduction of the unpaid balance of the sale contract or purchase money mortgage.

(h) *Definitions.* For the purpose of this section (1) the term "mortgage loan" means any loan or contract (or interest therein) on the security of real estate; (2) the term "amount of the loan" means the face amount of the obligation executed by the primary obligor on a mortgage loan, except that with respect to a mortgage loan acquired by an insured institution such term means the principal balance of such loan at the time of its acquisition by such institution; (3) the term "acquisition credits" means that portion of any consideration, other than the average interest provided by the loan contract, charged or received by an insured institution for or in connection with the making or acquisition of a mortgage loan or commitment that is made or acquired, that is in excess of the greater of (i) \$50 or (ii) 2 percent of the amount of the loan if the loan is for the purpose of construction, or 1 percent of the amount of the loan if the loan is for any other purpose; (4) the term "acquisition charges" includes finder's fee, buying commission, attorney's fee, and brokerage fee paid by an insured institution in connection with the making or acquisition of a mortgage loan or commitment, but does not include a premium paid by such institution in connection with the purchase of a mortgage loan: *Provided*, That the term "acquisition charges" does not include actual costs incurred, nor does the term "acquisition credits" include amounts collected by an insured institution in respect to a mortgage loan that are collected by such institution from the borrower (either by deduction from the proceeds of such loan or otherwise) and paid out by such institution to third parties for actual attorney's fee, title insurance premium, appraisal fee, credit report, survey, recording fees, or other services.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than November 22, 1963, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,  
Assistant Secretary.

[F.R. Doc. 63-11201; Filed, Oct. 22, 1963; 8:47 a.m.]

## FEDERAL MARITIME COMMISSION

[46 CFR Ch. IV]

[Docket No. 1152]

### SEMIANNUAL REPORTING BY CARRIERS IN DOMESTIC OFFSHORE TRADES

#### Notice of Proposed Rulemaking

Pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and section 43 of the Shipping Act, 1916, as amended (46 U.S.C. 841(a)), notice is hereby given that the Federal Maritime Commission proposes to promulgate rules which will require vessel operating common carriers by water in the domestic offshore trades to file with the Commission semiannual statements setting forth rate bases and income accounts for each regulated trade in which operations are performed. The proposed rules are set forth below.

**SECTION 1. Purpose.** The purpose of these rules is to require the filing of additional information by common carriers by water subject to the Commission's General Order 5 (46 CFR Part 511) so that the Commission will be able to expedite the discharge of its duties under the Intercoastal Shipping Act, 1933.

**Sec. 2. Authority.** These rules are issued pursuant to authority vested in the Commission by sections 18, 21, and 43 of the Shipping Act, 1916, as amended, and sections 2, 4, and 7 of the Intercoastal Shipping Act, 1933.

**Sec. 3. General requirements.** (a) All persons engaged in the operation of vessels in the common carriage of persons or property in the domestic offshore trades (except persons engaged in intrastate operations in Alaska and Hawaii) and required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission shall execute and file, in triplicate, with the Secretary of the Federal Maritime Commission, statements of rate base and income account for each domestic offshore trade served by the carrier. The trade, as a defined term used herein, is limited to the carriage of cargo in a domestic offshore trade under the terms of tariffs on file with the Federal Maritime Commission, except for the permitted inclusion of other revenues within the 5 percent limitation set forth under income account (section 7(c)(1)). Statements of rate base and income account shall be filed every 6 months after the initial statements which shall be filed as follows:

(1) For carriers whose fiscal year coincides with the calendar year, the first filing shall cover the entire calendar year 1963 and the statements shall be filed within 120 days after December 31, 1963.

(2) For carriers with a fiscal year ending on any date from July 1, 1963, to December 30, 1963, inclusive, the first filing shall cover the last 6 months of such fiscal year and the statements shall be filed within 120 days after the last day of the fiscal year or within 120 days of the date of this order, whichever is later.

(3) For carriers with a fiscal year ending on any date from January 1 to June 30, 1964, inclusive, the first filing shall cover the entire fiscal year and the statements shall be filed within 120 days after the last day of the fiscal year.

(b) After the first filing, annual statements shall be filed within 120 days after the close of the carrier's fiscal year; half-year statements shall be filed within 90 days after the end of the first 6 months of the carrier's fiscal year.

(c) Upon application, the Commission may grant reasonable extensions of the time limit prescribed by this section for filing the statements and data required by this Part: *Provided*, That (1) the application therefor is received 15 days before the statements and data are due; (2) the application sets forth good and sufficient reasons to justify the extension requested; (3) the application states a specific date on or before which the statements or data will be filed; and (4) the application is not construed as constituting relief from possible penalties for tardy filing, unless it is granted.

(d) Where it is necessary to allocate property, revenue, costs, and expenses to the trade, the allocation shall be on a direct basis, if practicable, and if not, in the manner prescribed herein (section 7).

(e) All carriers subject to these reporting requirements must comply fully with the instructions outlined herein, both as to the submission of the specified reports and as to compliance with the methods prescribed for their preparation. The carrier, however, may present additional material by way of alternative methods of allocation or other approaches to the problems inherent in this type of reporting. When such additional material is submitted, the methods used shall be explained and fully supported.

(f) The establishment of the rules and regulations prescribed in the succeeding sections hereof is without prejudice to the right of the Federal Maritime Commission to employ other bases for allocation and calculation in any instance where the results produced by the application of such rules and regulations create unreasonable results.

(g) With respect to the annual statements, all data must be based on amounts shown in the appropriate annual financial statements filed with the Federal Maritime Commission in compliance with General Order 5.

(h) All calculations required by allocations herein shall be carried to five places beyond the decimal point, e.g., 97.53821 percent.

**Sec. 4. Affidavit.** The data required by these rules as set forth in the prescribed statements shall be accompanied by an affidavit of the corporate officer responsible for the maintenance and accuracy of the books, accounts, and financial records of the carrier, to the effect that:

(a) The books or accounts have been maintained in accordance with the appropriate system of accounts, and

(b) The exhibits and schedules prescribed herein have been prepared from

the books and records of the carrier in accordance with this order.

**SEC. 5. Access to working papers.** All working papers (irrespective of by whom prepared) in support of all exhibits and schedules submitted, as well as the books and records of the carrier, shall be made available upon request for examination by auditors representing the Federal Maritime Commission, and said auditors shall be permitted to make copies of such records to the extent they deem necessary.

**SEC. 6. Definitions.** Various expressions, terms, and designations used herein may or may not have additional meanings or usage. For the purposes of this regulation, however, these terms are expressly limited to the following:

"Domestic Offshore Trade" means that trade carried on by common carriers by water operating (1) between the United States and its territories and possessions, (2) between or within those territories and possessions, (3) between Continental U.S. and Hawaii and Alaska, (4) between, but not within, Hawaii and Alaska.

"The Trade" means the carriage by common carriers by water of cargo in the domestic offshore trade under the terms of tariffs on file with the Federal Maritime Commission.

"The Service" means all voyages performed by common carriers by water on which any cargo was carried in The Trade.

"Other Services" means all voyages performed by common carriers by water on which no cargo was carried in The Trade.

"Revenue Tons" means those tons, either weight or measurement, on which freight revenues are calculated. For the purposes of this regulation a weight ton is 2,240 lbs., and a measurement-ton is 40 cubic feet.

"Revenue Ton-Mile" means the product of the revenue tons carried between each port of origin and destination, multiplied by the number of nautical miles representing the shortest navigable distance between the two ports as set forth in either:

(1) "Table of Distances Between Ports"—United States Navy Department, Hydrographic Office;

(2) "Distances Between United States Ports"—U.S. Department of Commerce, Coast and Geodetic Survey. For the purposes of this regulation, revenue tons related to revenues earned from the carriage of mail, which is treated herein as a reduction of costs, shall be excluded from the revenue ton-mile calculations.

"Revenue Ton-Mile Relationship" is used for the purpose of making certain allocations herein. Revenue ton-miles summarized by types of cargo such as The Trade, military, foreign, and contract cargoes, determines the revenue ton-mile relationship of each to the total.

"Voyage" means a completed round voyage from port of origin and return to port of origin. In no case shall voyages be split to reflect outward and inward services separately.

"Terminated Voyage" means a voyage that from an operational standpoint is finished. Voyages are generally con-

sidered to be terminated on the completion of one of the following operations or events:

- (1) The latest of:
  - (i) Crew paid off
  - (ii) Discharge of last of homeward cargo
  - (iii) Completion of repairs (excluding annual overhaul and emergency repairs) or

- (2) Midpoint in time of operations simultaneously loading and unloading cargo

Usually this will be considered to have happened at noon or midnight of the day on which the determining operation is completed.

"Vessel Operating Expense" means:

- (1) for those carriers required to file FMC-64 (line 56 of schedule 3002 of that report), the total of all operating expense: Terminated voyages, plus port, cargo, brokerage and other voyage expense, less revenue from passengers, net of passenger brokerage, revenue from mail, and other voyage revenue.

- (2) for those carriers required to file reports FMC-63, basically the same data as outlined in (1) above, but in the format and detail set forth in schedule VI (A).

"Vessel Operating Expense Relationship" means the ratio that "total vessel operating expense" allocated to the trade bears to "total vessel operating expense" of all trades and services of the carrier for the reporting period.

**SEC. 7. Forms and instructions—(a) General.** (1) The information shall be submitted in the form of the prescribed exhibits and schedules and shall consist of:

Exhibit I, rate base and supporting schedules and

Exhibit II, income account and supporting schedules for the appropriate period as prescribed herein.

(2) The required exhibits and schedules are described in the following paragraphs. Pro forma statements have been prepared by the Commission and may be obtained upon request from the Director, Bureau of Financial Analysis, Federal Maritime Commission, Washington, D.C., 20573. These pro forma statements are based on the uniform system of accounts for maritime carriers prescribed by the Maritime Administration and the Interstate Commerce Commission. For those carriers who are required to file Report Form FMC-63, a means has been provided whereby the accounts prescribed by the Interstate Commerce Commission for carriers by inland and coastal waterways may be reconciled with the requirements of these statements. For such carriers, alternative schedules IV, VI, VII, and VIII have been provided, each identified by suffix A.

(b) *Rate Base (Exhibit I)—(1) Investment in Vessels (Schedule I).* Each vessel, excluding chartered vessels, employed in the trade for which a statement is filed shall be listed by name and type showing the original cost to the company, or any company related thereto, plus the cost of betterments, conversions, and alterations, less the cost of

any deductions as of the beginning of the year. All additions and deductions made during the reporting period shall be shown gross and on a pro rata basis reflecting the number of days they were actually in use during the period. The result of these computations shall be called adjusted cost. Where any of the above figures differ from those reported in Schedule 222 or 2020, respectively, of the annual financial statements FMC-63 or FMC-64 or from those reported in Federal income tax returns, the differences shall be set forth and fully explained.

(i) The vessels employed in the trade may be subdivided into two categories:

(A) Those vessels employed exclusively in the service for the entire period, inclusive of normal periodic lay-ups, and which at no time during the period carried any cargo other than in the service. For such vessels, the adjusted cost shall be included in the total to be allocated on the revenue ton-mile relationship as set forth below.

(B) Those vessels employed in the service for less than the entire period. For such vessels the adjusted cost shall be allocated between the service and other services on the basis of the relationship that the number of days in each bears to the total of both. The total number of days thereby derived will not normally equal the number of days in the reporting period because lay-up days are not included. Lay-up days of vessels in this category shall normally be assigned between the respective services on the same basis as that employed in allocating the adjusted costs of such vessels, i.e., active days. However, if one or more of the vessels normally employed in the service have been diverted temporarily to other services in lieu of incurring lay-up expense, no assignment of lay-up time to other services is required. On the other hand, if a vessel or vessels are permanently withdrawn from the service and laid-up pending disposition, the period of lay-up shall be assigned to other services. In summary, an inequitable amount of lay-up days shall not be assigned to the service or to the trade. That portion of the adjusted cost of the vessels not allocated to other services shall be included in the total to be allocated on the revenue ton-mile relationship.

(ii) The total of the adjusted cost of all vessels employed in the service during the period which has not been allocated to other services, as required in (b) (1) (i) (A) above, shall be distributed between regulated cargo (the trade) and other cargo on a revenue ton-mile relationship.

(iii) Where the service of the carrier is solely between ports in the continental United States and domestic offshore ports, and where there are no significant differences between the distances from the various continental ports and the several domestic offshore ports and the ocean rates between said ports are identical, the revenue ton relationship may be used in lieu of the revenue ton-mile relationship.

(iv) Revenue derived from the carriage of passengers, mail, and other



services, which is treated herein as a reduction of costs (section 7(c) (2) (iii)) and the revenue tons from which such revenue is derived shall be excluded from the revenue ton-mile calculations required herein.

(2) *Reserve for Depreciation—Vessels (Schedule II)*. (i) Each vessel, excluding chartered vessels, shall be listed separately showing for each its depreciable life and residual value used for depreciation purposes. The accumulated reserve for depreciation as at the beginning of the year shall be reported and shall be allocated to the various services, trades, and classes of cargo in the same manner and in the same proportion as is the cost of the vessel in Schedule I. When any of the amounts required herein are different from those reported in Schedule 282 or 2021, respectively, of the annual financial statements FMC-63 or FMC-64, or from those reported in Federal income tax returns, the differences shall be set forth and fully explained. If the depreciable life of any equipment installed on vessels differs from that of the vessel, the cost thereof and the depreciation basis shall be set forth separately.

(ii) For any vessels disposed of during the reporting period, a deduction shall be made representing a daily prorate of the proportion of the period following the date of disposal corresponding to the similar deduction made in Schedule I.

(3) *Other Property and Equipment—Net (Schedule III)*. (i) Actual investment, representing cost to the carrier or any company related thereto, in other fixed assets employed in the trade, less accumulated reserve for depreciation, both as at the beginning of the year, adjusted by a daily prorate of additions and deductions shall also be reported. Assets may be grouped in major categories, preferably as required by the appropriate annual financial statements. Within each major category individual items with a cost of \$10,000 or more shall be listed separately. The basis of allocation to the rate base of each item reported shall be set forth and shall be based upon the use thereof within the trade. Any computations of percentages employed shall also be set forth. Assets employed in a general capacity, such as office furniture and fixtures, shall be allocated in the ratio of total vessel operating expense allocated to the trade, as required by Schedule V, to the total vessel operating expense of all trades and services of the carrier for the year.

(ii) The depreciable lives of the major categories of assets reported in this classification shall be set forth.

(iii) When any of the amounts required herein are different from those reported in the annual financial statements or from those reported in the Federal income tax returns, the differences shall be set forth and fully explained.

(4) *Working Capital (Schedule IV)*. Working capital shall be included on the average voyage expense basis computed as follows:

(i) Average voyage expense shall be determined on the basis of the actual expenses of operating and maintaining the vessels employed in the service (excluding lay-up expenses) for a period repre-

sented by the average length of time of all round voyages (excluding lay-up periods) terminated during the period on which any cargo was carried in the trade. The expense of operating and maintaining the vessels employed in the service shall include administrative and general expense (Accounts 900-955 less Accounts 670 and 895) allocated to the service in accordance with section 7(c) (4) hereof and total vessel operating expense—terminated voyages (Accounts 701-799 inclusive). For this purpose if the average voyage, as determined above, is of less than 90 days' duration, the expense of hull and machinery and P & I insurance (Accounts 755 and 757, respectively) shall be determined to be that for 90 days; provided, that such allowance for insurance expense shall not, in the aggregate, exceed the total actual insurance expense for the accounting period.

(ii) The determination shall be made in the following manner:

First, by dividing the sum of such expenses for the accounting period involved applicable to the vessels in the service by the aggregate number of days consumed in all voyages of such vessels in the service terminating during such period;

Second, by multiplying the quotient thus obtained by the number of days (excluding lay-up days) in the average voyage in the service; and,

Third, by multiplying the resulting product by the quotient of the total number of days (excluding lay-up days) consumed in voyages of vessels in the service terminating during the accounting period divided by the number of calendar days within the accounting period.

(iii) Where vessel operating expense is allocated as provided hereinafter (section 7(c) (2)), working capital shall be computed on the basis of vessel operating expense of the service and then allocated on the gross vessel operating expense basis to the trade. This schedule is not required of those carriers who annually file Form FMC-63 with the Federal Maritime Commission.

(5) *Working Capital (Schedule IV(A))*. Total current assets less total current liabilities shall be set forth as shown in the annual financial statements, FMC-63, as of the beginning of the period. The net working capital derived thereby shall be allocated to the trade in the relationship that vessel operating expense allocated to the trade bears to total vessel operating expense for the company, both as shown on Schedule IV(A).

(6) *Other assets*. Any other assets claimed by the carrier as components of its rate base shall be set forth separately and related to amounts shown in the annual financial statements. The basis of allocation to the trade shall be fully explained and supported by computations of percentages employed.

(7) *Property and equipment of related companies*. Exhibit I provides for the reporting of property and equipment of related companies used in the trade. Where such assets owned by related companies are used in the trade, the profits of such related companies from such use shall be included in the income account, and an appropriate allocation

of the depreciated cost of such assets as reflected on the books of such related companies may be included in the rate base. The basis of allocating such net depreciated cost to the trade shall be set forth and fully explained in a schedule similar to Schedule III.

(c) *Income Account (Exhibit II)*—(1) *Operating Revenue (Schedule V)*. (i) Revenue allocated to the trade shall include only revenue earned from the common carriage of cargo in the domestic offshore trade on voyages terminated during the period, except that military, contract, and foreign cargo need not be excluded provided the revenue derived is not in excess of 5 percent of the total revenue. This 5 percent limitation shall be applied separately to each class of cargo. Revenue tons and amounts for the major classes of commodities carried shall be reported separately for each individual commodity of which 1,000 or more revenue tons are transported.

(ii) When any of the amounts reported in the Income Account are different from those reported in the annual financial statements, the differences shall be set forth and fully explained.

(2) *Vessel Operating Expense (Schedule VI)*. A vessel operating expense summary of voyages terminated during the period, including all voyages in which any cargo was carried in the trade, shall be submitted setting forth allocations to the trade on the following bases:

(i) Total vessel expense shall be allocated where an allocation is necessary to the trade on the revenue ton-mile basis. This procedure will be required for all voyages in the service, as defined herein (section 6). Should any of the elements of vessel expense be directly allocable to specific cargo, such direct allocations should be made and explained.

(ii) Port, cargo, freight brokerage, and other voyage expenses, by ports at which incurred, shall be allocated directly to the extent practicable or otherwise on the revenue ton basis.

(iii) Passenger revenue less passenger brokerage, revenue from mail, and other voyage revenue shall be deducted from vessel operating expense and distributed on the revenue ton-mile basis.

(3) *Vessel Operating Expense (Schedule VI(A))*. This schedule is to be submitted by carriers whose vessels are not self-propelled and who report annually to the Federal Maritime Commission on Form FMC-63. It is designed to summarize the operating results and to provide for allocations to the trade where necessary because of the simultaneous carriage of unregulated cargo. The principles of allocation are the same as those required by Schedule VI.

(4) *Administrative and General Expense (Schedules VII and VII(A))*. Administrative and general expense less agency fees, commissions, and brokerage earned shall be allocated to the trade in the proportion that the gross vessel operating expenses incurred in the trade bears to the gross vessel operating expense for all trades and services. Direct allocations may be made, where practicable, particularly with respect to advertising expense related to the operation of passenger and combination vessels.

Any direct allocation shall be explained in detail and set forth in an appropriate schedule.

(5) *Other Shipping Operations (Schedule VIII)*. Terminal, cargo handling, tug and lighter, and other shipping operations shall be allocated to the trade on a tonnage or volume basis as a measure of use and shall be made separately by ports at which incurred. The methods used shall be explained and fully supported. If interdepartmental credits for services and facilities are used by the carrier, such credits shall be allocated so as to offset the related contra charges included in the voyage accounts. Revenues earned from services performed for others, unrelated to the trade, and the related costs and expenses shall not be allocated to the trade.

(6) *Other Shipping Operations (Schedule VIII (A))*. (i) Items related to shipping classified on Schedule VIII (A) as other shipping operations shall be allocated to the trade on tonnage or volume basis, where applicable, as a measure of use and shall be made separately by ports at which incurred. The methods used shall be explained and fully supported.

(ii) Interdepartmental debits and credits shall be offset as explained under Schedule VIII, above.

(iii) Revenues earned from services performed for others, unrelated to the trade, and related costs and expenses shall not be allocated to the trade.

(7) *Inactive Vessel Expense (Schedule IX)*. Inactive vessel expense shall, in

general, be allocated on the same basis as the investment in each vessel is included in the rate base. However, when a vessel is definitely assigned to the trade any inactive vessel expense for that vessel may be allocated to the trade. If such a vessel be temporarily chartered out to minimize lay-up expense, no lay-up expense incurred before or after such charter period need be allocated to the charter. Inactive vessel expense applicable to vessels not used in the trade or withdrawn from the trade shall be excluded. (See instructions (b) (1) (i) (B) applicable to Schedule I pertaining to the allocation of lay-up time.)

(8) *Depreciation (Schedule X)*. Depreciation of assets included in the rate base shall be allocated on the same bases as the specific assets.

(9) *Other*. Any other elements of income or expense wholly or partially applicable to the trade shall be fully explained and supported by a schedule showing details of allocation and reconciliation with amounts shown in the annual financial statements.

(10) *Federal income tax*. Federal income taxes, allocated to the trade shall be set forth together with the details of the computation thereof.

(11) *Profits of related companies*. Net income, after Federal income taxes, earned by related companies of the carrier in performing services for the carrier in the trade shall be included in an appropriate manner. The basis of allocation of such net income shall be direct where practicable and shall be fully ex-

plained and supported by details showing the basis of allocation.

(12) *Additional required information*. The following information shall also be furnished:

(i) A statement summarizing the outstanding long-term debt with related interest rates and accruals for the period including an identification of any debts secured by assets included in the rate base.

(ii) A description of the pattern of service with respect to routes, number and type of vessels employed, regularity of sailing dates, turn-around time, itineraries, etc.

(iii) Surplus adjustments recorded since the latest annual financial statements in sufficient detail to permit the recognition of the significance of such adjustments as related to the trade.

Interested parties may submit such written data, views, or arguments as they desire. Communications should be submitted in original and 15 copies to the Secretary, Federal Maritime Commission, Washington, D.C., 20573. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken by the Commission. No public hearing is contemplated at this time.

By order of the Commission October 15, 1963.

THOMAS LUSI,  
Secretary.

[F.R. Doc. 63-11192; Filed, Oct. 22, 1963; 8:47 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[W-0280347]

#### WYOMING

#### Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 16, 1963.

The Bureau of Sport, Fisheries and Wildlife, United States Department of the Interior, has filed an application, serial number Wyoming 0280347, for the withdrawal of lands described below, from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing laws, subject to valid existing rights. The applicant desires the lands for use as part of the existing East Fork Elk Winter Pasture.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 43 N., R. 106 W.,  
Sec. 35: NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ .

Containing 240 acres.

JOHN R. KILLOUGH,  
Acting State Director.

[F.R. Doc. 63-11160; Filed, Oct. 22, 1963;  
8:45 a.m.]

[Anchorage 060303]

#### ALASKA

#### Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 16, 1963.

The Department of the Army has filed an application, Serial Number Anchorage 060303, for the withdrawal of the lands described below from all forms of appropriation except mineral leasing.

The applicant desires the land for use as a small arms firing range for troops stationed at Wildwood Station, near Kenai, Alaska.

For a period of 30 days from the date of publication of this notice, all persons

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who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the Department of the Army. The determination of the Secretary will be published in the FEDERAL REGISTER, and a separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

Lands involved in the application are:

SEWARD MERIDIAN.

T. 6 N., R. 11 W.,

Sec. 4: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ; (unsurveyed);

Sec. 5: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ; (unsurveyed);

Sec. 7: S $\frac{1}{2}$ NE $\frac{1}{4}$ ; (unsurveyed);

Sec. 8: N $\frac{1}{2}$ , SE $\frac{1}{4}$ ; (unsurveyed);

Sec. 9: W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; (unsurveyed).

T. 6 N., R. 12 W.,

Sec. 25: E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ .

The areas described aggregate 1300.0 acres.

GEORGE R. SCHMIDT,  
Chief, Branch of Lands  
and Minerals Operations.

[F.R. Doc. 63-11184; Filed, Oct. 22, 1963;  
8:47 a.m.]

## DEPARTMENT OF COMMERCE

### National Bureau of Standards

#### NBS RADIO STATIONS WWVB AND WWVL, FORT COLLINS, COLORADO

#### Notice of Change in Schedule

Notice is hereby given of the change in schedule of the standard frequency and time broadcasts from WWVB at 60 kilocycles per second, and the standard frequency broadcasts from WWVL at 20 kilocycles per second. These changes will become effective November 5, 1963, for station WWVB and November 12, 1963, for station WWVL.

#### Present schedule

WWVB: Continuous-----

Continuous, except for a 12 hour silent period alternate weeks from 1300 UT Tuesday to 0100 UT Wednesday, beginning November 5, 1963.

WWVL: Continuous-----

Continuous, except for a 12 hour silent period alternate weeks from 1300 UT Tuesday to 0100 UT Wednesday, beginning November 12, 1963.

#### Proposed schedule

R. D. HUNTOON,  
Deputy Director,

[F.R. Doc. 63-11161; Filed, Oct. 22, 1963; 8:45 a.m.]

### Office of the Secretary

CARL W. HASEK, JR.

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955 the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of October 9, 1963.

CARL W. HASEK, JR.

OCTOBER 9, 1963.

[F.R. Doc. 63-11157; Filed, Oct. 22, 1963;  
8:45 a.m.]

## POST OFFICE DEPARTMENT

### ORGANIZATION AND ADMINISTRATION

#### Revision

The statement of the Department's organization and administration, as published in the FEDERAL REGISTER of September 11, 1962, at pages 8982 through 9007, and as amended by 27 F.R. 11558-11559, 27 F.R. 12452-12453, 28 F.R. 914, 28 F.R. 2690, 28 F.R. 3674, 28 F.R. 7362 and 28 F.R. 8295-8296, is further amended to include revised organizational and administrative titles.

I. In 812.5 *Authority to Effect Personnel Actions*, delete "Chief Cartographer" from paragraph "51b".

II. In 812.6 *Authority to Administer Oaths of Office*, amend paragraph "61b" by deleting "Chief Cartographer" and



revising the fourth and fifth titles therein to read as follows:

Superintendent and Administrative Assistant, Mail Bag Depository  
Superintendent, Assistant Superintendent where authorized, and Administrative Assistant of Combined Mail Bag Depository and Mail Bag Repair Center

III. In Part 825 amend paragraph "a" to read as follows:

#### PART 825—REGIONAL DIRECTOR

a. Administers the execution of policies, regulations, and procedures governing, and takes final action within his delegated authority on, matters relating to management, operations, transportation, finance, engineering, equipment, supply, facilities, and personnel within an assigned region (except the postal inspection service, internal auditors, the mail bag equipment shops, mail bag repair centers and depositories, area supply centers, capital equipment warehouses, postal agency and stamped envelope agency, equipment production specialists, and other specific matters reserved to the Postmaster General and to the bureaus and offices of the national headquarters).

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S. Code 309, 501)

LOUIS J. DOYLE,  
General Counsel.

[F.R. Doc. 63-11155; Filed, Oct. 22, 1963; 8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 14618; Order E-20103]

### DELTA AIR LINES, INC.

#### Application for Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of October 1963.

On July 1, 1963, Delta Air Lines, Inc. (Delta) filed an application in Docket 14618, pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended (the Act) for an exemption from the provisions of section 401 of the Act, and the provisions of Condition 5 of the carrier's certificate for Route 24,<sup>1</sup> insofar as these provisions would otherwise prevent Delta from operating one daily round trip between Dallas and/or Ft. Worth, Texas, Shreveport, La., Jackson, Miss., Birmingham, Ala., and the Northeast.<sup>2</sup> Delta requests that an exemption be granted until final Board decision on its application, concurrently filed in Docket 14617, for amendment of its certificate for Route 24 to permit the type of operation described above.

In support of its application, Delta alleges principally that both Jackson

and Shreveport will be able to accommodate Delta's jet aircraft upon completion of airport developments in late summer or early fall of this year; that Delta proposes to inaugurate jet service at these points by operating a single round trip which would originate at Dallas or Fort Worth and serve Shreveport, Jackson, and Birmingham en route to one or more of Delta's northeastern points;<sup>3</sup> that while Delta is authorized to provide both Shreveport and Jackson with southwest-northeast service via Atlanta or New Orleans on flights originating at Dallas or Fort Worth, or via Birmingham on flights originating at Houston or Shreveport, neither Shreveport nor Jackson is capable at this time of supporting such an operation if the flight originates or terminates at Shreveport or Houston. Delta concludes that a Houston-Shreveport-Jackson-Birmingham operation could not obtain sufficient intermediate and connecting traffic to make such an operation economically feasible;<sup>4</sup> and by originating and terminating such flights at Dallas or Fort Worth and operating via Birmingham, additional supporting traffic would be available in such markets as Dallas-Shreveport, Dallas-Jackson and Shreveport-Jackson-Birmingham. Delta further contends that under Condition 5 its proposed flight originating or terminating at Dallas or Fort Worth would be required to stop at Atlanta, and that because of air traffic congestion at Atlanta's airport at certain hours, the substitution of Birmingham for Atlanta on the contemplated flight would produce significant benefits for Shreveport, Jackson and Birmingham passengers, as well as avoid further jet congestion at the Atlanta airport. Finally, Delta alleges that the substitution of Birmingham for Atlanta as a mandatory stop, as proposed, would more than meet the objective of Condition 5, which is to protect the unrestricted Dallas, Fort Worth-Northeast carriers, and would not adversely affect any other carrier.

Answers supporting Delta's exemption application were filed by the Mississippi Aeronautics Commission, the City of Jackson and the Jackson Chamber of Commerce, the City of Shreveport and the Shreveport Chamber of Commerce, and the City of Birmingham and the Birmingham Chamber of Commerce. The arguments advanced by these civic interests are essentially the same as set forth by Delta. In its answer the City of Jackson states that its new jet airport was opened for operations on July 8, 1963, and the City of Shreveport has indicated that its airport improvement program will be completed in the fall of 1963.

<sup>1</sup> Delta's presently proposed schedule includes only New York. The carrier indicates in its application, however, that the schedule may include Washington.

<sup>2</sup> Delta's conclusion is based upon its contention that the circuitry between Houston and Birmingham via Shreveport and Jackson of 12.4 percent is too great to permit generation of any significant volume of Houston-Birmingham traffic, and that Delta does not now have the on-line or interline connection possibilities at Houston that it has at Dallas or Fort Worth.

Braniff Airways, Inc. (Braniff) and Eastern Air Lines, Inc. (Eastern) filed answers opposing Delta's exemption application.<sup>5</sup> Braniff alleges principally that Delta is seeking to obtain expanded rights in the Dallas, Fort Worth-Northeast markets without having to first meet the test of whether the public convenience and necessity require a third carrier's service; that Order E-19115, effective December 19, 1962, granted Delta's first request for amendment of Condition 5 by permitting it to serve New Orleans as an alternate mandatory stop; and that in its present exemption application in Docket 14618 and its concurrently filed certificate amendment application in Docket 14617 Delta seeks further relief from Condition 5. Braniff also asserts that Delta's allegation that the exemption is necessary to provide jet service to Shreveport and Jackson is without merit; that Delta is authorized to provide other flight patterns and flight substitutions which would offer the traveling public all the benefits of Delta's proposal without increasing the total air traffic at the Atlanta Airport; and finally, that even if this were not true, air traffic congestion at a single intermediate point does not represent an "unusual circumstance" or constitute an "undue burden" within the meaning of section 416 of the Act.

In its reply Delta asserts that the proposed service is designed to bring new and significant service improvements to Delta's exclusive markets between Shreveport, La. and Jackson, Miss., and the Northeast; that the improvements would be largely nullified if the service had to proceed via Atlanta at this time; that if the exemption applied for is not granted it is doubtful if jet service can be instituted at all, at this time, between Jackson and Shreveport and the Northeast; and that if the exemption is granted it plans to institute the service on October 27, 1963.

The Board has concluded that in view of all of the circumstances present Delta's request for an exemption should be granted.

We agree with Delta and the civic interests that Birmingham, Jackson, and Shreveport would receive more overall benefits from the proposed service than from operations which can be conducted under Delta's present authority, and that to preclude Delta from inaugurating the proposed service pending a hearing on its certificate application in Docket 14617 would not be in the public interest. Although, as Braniff points out, Jackson and Shreveport could enjoy first jet service via Birmingham on flights originating at Houston, or via Atlanta on flights originating at Dallas or Fort Worth, the lesser circuitry between Dallas or Fort Worth and Birmingham via Shreveport and Jackson, together with the greater opportunity for on-line or interline connections at Dallas and Fort Worth, would provide more useful passenger service and more economical carrier operations. Further, we recognize that most major air terminals, in-

<sup>5</sup> On September 11, 1963, Eastern withdrew its answer in opposition to Delta's exemption application.

<sup>1</sup> Condition 5 provides that: "All flights serving Dallas or Fort Worth, Texas on the one hand, and Washington, D.C., Baltimore, Maryland, Philadelphia, Pennsylvania, New York, New York, or Newark, New Jersey, on the other hand, shall also serve Atlanta, Georgia, or New Orleans, Louisiana."

<sup>2</sup> New York/Newark, Philadelphia, Baltimore, and Washington.

cluding the one at Atlanta, experience heavy air traffic at certain peak periods during the day, and although such a situation, standing alone, would not warrant the type of relief requested, particularly since the proposed flight would have little or no alleviating effect on Atlanta's airport traffic, we do believe that the alternate stop at Birmingham proposed by Delta would relieve many of the through passengers of unavoidable but extended delays.

We are unable to find any persuasive public interest considerations which militate against grant of the exemption. The only concern is raised by Braniff in connection with its nonstop authority in the Dallas, Fort Worth-Northeast market. In our view, however, this concern is illusory. Braniff's principal argument is its allegation that Delta is attempting to enter Braniff's nonstop market by a process of gradual erosion of Delta's certificate Condition 5. Braniff first cites the Board's Order E-19115, effective December 19, 1962, which modified Condition 5 to permit Delta to use New Orleans as an alternative stop between Dallas or Fort Worth and the Northeast. However, this modification was granted after a full evidentiary hearing in which the Board found that the public convenience and necessity required an alternative stop. In view of this finding, the addition of New Orleans cannot be considered an improper encroachment upon Braniff's nonstop rights.

The net effect of a grant of exemption authority would be a circuitry reduction of 8 miles.<sup>6</sup> We do not believe that such a result will seriously impinge upon Braniff's nonstop rights, and Braniff has offered no evidence of possible diversion or adverse financial impact resulting from the proposed service.<sup>7</sup>

The service which Delta proposes between Dallas or Fort Worth and the Northeast is, at a minimum, a three-stop operation. Since our finding that the exemption is in the public interest is based primarily on proposed service improvements in the Jackson and Shreveport markets, we will require Delta to provide service along the lines proposed in its exemption application pending hearing on its certificate application in Docket 14617. We shall, therefore, condition our grant to require that Shreveport and Jackson be served on each of the proposed Dallas, Fort Worth-Northeast flights via Birmingham.

<sup>6</sup> The mileage via the proposed routing is 1,459 miles, compared with 1,467 miles on Delta's present routing via Atlanta.

<sup>7</sup> Braniff's allegation that it is Delta's intention to eventually eliminate Condition 5 in its entirety is specious. In support of the allegation Braniff relies principally on the fact that in its concurrently filed certificate amendment application Delta seeks one-stop authority via Birmingham in lieu of Atlanta. Moreover, we need not decide the question of the need for Birmingham one-stop authority since our grant is predicated solely upon Delta's proposal to serve Jackson and Shreveport via Birmingham between Dallas, Fort Worth and the Northeast.

Based upon the foregoing, the Board concludes that grant of the relief to Delta is warranted by the unusual circumstances affecting its operations described above; that Delta's proposed service would provide significant public benefits; that the competitive effect of such service on Braniff has not been shown to be more than minimal; and that it would not be in the public interest to require Delta to undergo at this time a certificate proceeding in order to obtain the limited authority which we feel is warranted.

The Board also concludes that because of the limited extent of Delta's proposal, a certificate proceeding at this time would impose an undue burden upon the carrier. The proposal calls for a single daily round trip to be routed via Birmingham rather than Atlanta, a reduction in circuitry of only 8 air miles. The carrier requires no new route mileage, equipment, personnel, or operating facilities to conduct the proposed operation, and the operation will be temporary pending final action on the carrier's certificate application in Docket 14617.

Upon consideration of the foregoing and acting pursuant to section 416(b) of the Federal Aviation Act, the Board finds that the enforcement of the provisions of section 401(a) of the Act and of the terms, conditions and limitations of Delta's certificate of public convenience and necessity insofar as they would prohibit the services herein authorized would be an undue burden on Delta by reason of the limited extent of, and the unusual circumstances affecting, its operations and would not be in the public interest.

*Accordingly, it is ordered:*

1. That Delta Air Lines, Inc. be and it hereby is temporarily exempted from the provisions of section 401(a) of the Federal Aviation Act of 1958 and the terms, conditions, and limitations of its certificate of public convenience and necessity for route 24 insofar as they would otherwise prohibit Delta from operating one daily round trip between Dallas or Fort Worth, Texas, on the one hand, and Washington, D.C., Baltimore, Maryland, Philadelphia, Pennsylvania, New York, New York, or Newark, New Jersey, on the other hand, via Shreveport, Louisiana, Jackson, Mississippi, and Birmingham, Alabama;

2. That the exemption granted herein shall cease to be effective 90 days after final action on Delta's certificate application in Docket 14617; and

3. That this order may be amended or revoked at any time in the discretion of the Board without hearing.

A copy of this order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,<sup>8</sup>  
Secretary.

[F.R. Doc. 63-11185; Filed, Oct. 22, 1963;  
8:47 a.m.]

<sup>8</sup> Dissenting opinion of Robert T. Murphy, Vice Chairman, filed as part of the original document.

[Docket No. 14814; Order E-20101]

**WESTERN AIR LINES, INC., ET AL.**

**Coach Fares; Order of Investigation and Suspension**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of October 1963.

Increased coach fares proposed by Western Air Lines, Inc., United Air Lines, Inc., Trans World Airlines, Inc.

Western Air Lines, Inc. (Western) has filed tariff revisions,<sup>1</sup> bearing a posting date of September 9, 1963, marked to become effective November 8, 1963, proposing to increase its local jet and propeller coach fares between Denver and Phoenix, and between Las Vegas, on the one hand, and Portland (Oregon), San Francisco, and Seattle, on the other hand; and to increase its local jet coach fare between Salt Lake and San Diego. The jet coach increases range from 20 cents to \$2.40, and represent increases from 0.3 to 6.6 percent. The propeller coach increases range from \$1.70 to \$4.45, and represent increases of 4.7 to 17.3 percent. United Air Lines, Inc. (United) and Trans World Airlines, Inc. (TWA) filed tariff revisions, also effective November 8, 1963, proposing some of the same jet coach increases as Western in the Las Vegas-Portland/San Francisco/Seattle markets.

No complaints have been received.

In support of its proposal, Western states that the fares that are being increased do not reflect proper fare construction, and that it proposes to correct this situation by increasing the fares to the level determined by the Board's 75-percent coach fare policy. An analysis of the proposed jet coach fares reveals that the jet surcharges included in Western's construction are at times greater for shorter-haul service than those for longer-haul service. Under Western's construction formula, the proposed jet coach fares range from 78.8 to 81.1 percent of the presently effective jet first-class fares, and the proposed propeller coach fares range from 75.9 to 76.9 percent of the present propeller first-class fares.

Aside from the unsubstantiated statement that the fares are being increased to reflect proper fare construction, Western has not submitted any supporting data in justification of the proposed increases. The yields per passenger mile of the fares currently in effect in the markets affected by the Western proposal are presently higher than those for comparable services in other domestic markets. The fare increases proposed by Western, up to 6.6 percent for jet coach services and up to 17.3 percent for propeller coach services, would make the disparity in yields between the Western markets and other domestic markets even greater than they are presently. Furthermore, we note from data reported to the Board that Western's earnings have been increasing steadily in recent

<sup>1</sup> Revisions to Agent Squire's C.A.B. No. 44, filed as part of the original document.

periods, and that it earned in excess of 11 percent on its total investment for the year ended June 30, 1963, the most recent period for which data are now available.

If the primary purpose of the proposal is to reflect proper fare construction, Western could achieve the same end by decreasing some of its fares to bring them into line. In the absence of an adequate economic justification, we must conclude that the proposed fare increases are not justified, and therefore we will suspend their use and institute an investigation of the Western proposed fares as well as the similar fares filed by United and TWA.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof, *It is ordered that:*

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A hereto are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions;

2. Pending hearing and decision by the Board the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including February 5, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order will be filed with the aforesaid tariff and be served upon Western Air Lines, Inc., United Air Lines, Inc., and Trans World Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 63-11186; Filed, Oct. 22, 1963;  
8:47 a.m.]

## CIVIL SERVICE COMMISSION

### CLERK-STENOGRAPHER AND CLERK-TYPIST

#### Notice of Listing of Positions for Which There Is Determined To Be a Manpower Shortage

Under the provisions of Public Law 86-587, the Civil Service Commission has determined that there is a manpower shortage for the following:

*Series Code and Grade, Position, Location,  
and Effective Date*

GS-312-3 and 4; Clerk-stenographer; Washington, D.C. metropolitan area<sup>1</sup> and Fort Meade, Md.; January 1, 1964.

GS-322-3; Clerk-typist; Washington, D.C. metropolitan area<sup>1</sup> and Fort Meade, Md.; January 1, 1964.

Travel and transportation expenses may be paid for appointees to their duty station for the positions as listed above. Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] MARY V. WENZEL,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 63-11194; Filed, Oct. 22, 1963;  
8:47 a.m.]

## FEDERAL AVIATION AGENCY

[OE Docket No. 63-CE-9]

### MAY BROADCASTING CO. ET AL.

#### Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (3-OE-2305) to determine its effect upon the safe and efficient utilization of navigable airspace.

The May Broadcasting Company, the Herald Broadcasting Company and Meredith WOW, Inc., Omaha, Nebraska, jointly propose to construct a guyed cantelabra-type television antenna structure approximately four miles west/northwest of Millard, Nebraska, at latitude 41°14'41" N., longitude 96°11'21" W. The overall height of the structure would be 2,749 feet above mean sea level (1,519 feet above ground).

The proposed structure would be located approximately 7 miles west of Omaha, 0.8 mile southeast of VOR Federal airway No. 138, 2.4 miles north of Victor 6/8 and 16 miles northwest of Offutt Air Force Base.

The aeronautical study disclosed that the structure would exceed the standards for determining hazards to air navigation in § 77.23(a) (4) and (5) of the Federal Aviation Regulations as applied to the aforementioned airways, the site being within 5 miles of the airways and within 25 miles of the Omaha VORTAC and 34.4 miles of the Neola VORTAC.

An increase in instrument flight rules minimum en route altitude would be required for that segment of V138 between the Mead Intersection and the Washington Intersection, the increase being from 2,700 feet to 3,200 feet. An increase in IFR minimum en route altitude would also be required for that segment of V6/8 between the Richfield Intersection and the Mead Intersection, the increase being from 2,700 feet to 3,000 feet. The

increase on V138 would result in the loss of the cardinal altitude of 3,000 feet.

An increase in the minimum radar vector altitudes within 3 miles and 5 miles of the structure would be required. The increases would be from 2,600 feet to 3,700 feet for the area within 3 nautical miles and from 2,600 feet to 3,200 feet for the area from 3 to 5 nautical miles. Both of these increases would result in the loss of the 3,000-foot cardinal altitude to flights operating within 5 miles of the proposed structure.

The increase of MEA's and the loss of the cardinal altitude would cause aircraft to operate at higher altitudes than they now use and would lessen the flexibility and capacity of the air traffic control system thereby contributing to delays to aircraft operating in the Omaha area.

The aeronautical study further disclosed that the low altitude peak day traffic count for fiscal year 1962 on the affected segment of Victor 138 was four flights and for the affected segment of Victor 6/8 was 15 flights. During calendar year 1962, there were 342,801 aircraft operations in the Omaha area. This represents a substantial volume of aeronautical activity.

The study also disclosed that the structure would exceed a 40:1 obstruction clearance slope for westbound IFR departures from Eppley Field the site being 15 miles from the airport. The violation of the 40:1 slope would have no adverse effect upon IFR departures from Eppley Field because of other IFR departure procedures which provide adequate obstruction clearance to existing obstructions and which also would provide adequate obstruction clearance to the proposed structure.

The structure would have an adverse effect upon IFR departures from Offutt AFB because of the heavy load conditions under which certain of its aircraft operate when in a northwest departure configuration. The paths of flight of these aircraft place them in proximity to the site of the proposed structure at a time when the aircrew is busily striving to set up and maintain a safe climbing attitude. The erection of the proposed structure would be a menace to such Air Force operations.

Based upon the aeronautical study, it is the finding of the Agency that the increases in minimum flight altitudes that would be necessary to accommodate the proposed structure would result in a substantial adverse effect to aircraft operating in the Omaha area.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the

<sup>1</sup>The Standard Metropolitan Statistical Area, which includes Washington, D.C.; Montgomery County and Prince Georges County, Maryland; and Alexandria City, Falls Church City, Arlington County, and Fairfax County, Virginia.

denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on October 16, 1963.

GEORGE R. BORSARI,  
Chief,  
Obstruction Evaluation Branch.

[F.R. Doc. 63-11162; Filed, Oct. 22, 1963;  
8:45 a.m.]

[OE Docket No. 63-SO-16]

## WAPA-TV BROADCASTING CORP.

### Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-2339) to determine its effect upon the safe and efficient utilization of navigable airspace.

WAPA-TV Broadcasting Corporation, San Juan, Puerto Rico, proposes to construct a guyed television antenna structure near La Plaza, Puerto Rico, at latitude 18°06'42" N., longitude 66°03'05" W. The overall height of the structure would be 4142 feet above mean sea level (1187 feet above ground).

The proposed structure would be located on Cerro La Santa approximately 23.5 miles south of the San Juan VORTAC, 8.6 miles west of the centerline of Route 7, 3.4 miles north of the centerline of Route 4, 2 miles southwest of the centerline of ICAO Yankee Alfa Route, and 8.5 miles northeast of the centerline of ICAO Oscar Route. The structure at this location and height would exceed the standards for determining hazards to air navigation as defined in § 77.23(a) (1), (3) and (4) of the Federal Aviation Regulations since it would be more than 500 feet above ground at the site of construction and would vary from two miles to 3.6 miles from the centerline of approved off-airway routes.

The aeronautical study disclosed that the structure would require an increase from 3100 feet to 4300 feet in the minimum en route altitude on Route 7 between Pt. Tuna and San Lorenzo Intersection, from 4200 feet to 5100 feet in the minimum obstruction clearance altitude on Route 4 between Pt. Tuna and Midway Intersection and on Yankee Alfa Route between San Juan radio beacon and Pt. Tuna, and from 4300 feet to 4400 feet in the minimum obstruction clearance altitude on Oscar Route southeast of the San Juan radio beacon. It would also require a minimum radar obstruction clearance altitude of 5100 feet within a three mile radius of the proposed structure and 4600 feet within a three to five mile radius of the proposed structure. In addition, it would require an increase from 4200 feet to 4400 feet in the expected minimum en route altitude on proposed Route 8 between Ponce TVOR and Pt. Tuna.

The aeronautical study disclosed that the above increases in minimum obstruction clearance altitudes would have no substantial adverse effect upon instrument flight rule aeronautical operations

since the altitudes normally used on these route segments are above those which would be required by the proposed structure and there are no plans to use the minimum altitudes. However, the aeronautical study further disclosed that the increase of 1200 feet in the minimum en route altitude on Route 7 would result in the loss of the cardinal altitude of 4000 feet, on an important segment of this route. This route serves the area to the south and southeast of San Juan and is used by both arrivals and departures. A recent survey conducted by the San Juan Air Route Traffic Control Center revealed that the altitude of 4000 feet is currently being used on the affected route segment. It also disclosed that the affected segment of Route 7 is used by six aircraft on an average daily basis and by 14 aircraft on a peak day.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have an adverse effect upon existing instrument flight rule aeronautical operations, procedures and minimum flight altitudes in the San Juan, Puerto Rico, area.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on October 16, 1963.

GEORGE R. BORSARI,  
Chief,

Obstruction Evaluation Branch.

[F.R. Doc. 63-11163; Filed, Oct. 22, 1963;  
8:45 a.m.]

## FEDERAL MARITIME COMMISSION

H. A. GOGARTY, INC., ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. -814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

The following agreements have similar terms:

H. A. Gogarty, Inc., New York, N.Y. and Anderson Shipping Co., Savannah, Ga.	FF-290
Hudson Shipping Co., Inc., New York, N.Y. and A. J. Arango, Inc., Tampa, Fla.	FF-788
Hudson Shipping Co., Inc., New York, N.Y. and Port Everglades Terminal Co., Inc., Fort Lauderdale, Fla.	FF-889

Agreement No. FF-1105 between Cosdel International Company, San Francisco, California and B. R. Anderson & Co., Seattle, Washington, is a working arrangement under which forwarding and service fees will be divided as agreed. Ocean freight compensation is to be retained by the originating party.

Agreement No. FF-1108 between J. R. Michels, Inc., Houston, Texas and all branch offices, party (a), and H. Stone & Co., New York, New York, party (b), is a working arrangement under which forwarding and service fees are to be 100 percent for party (a) for work accomplished for party (b). Ocean freight compensation is to be 100 percent for party (b).

Agreement No. FF-1109 between C. S. Greene and Company, Inc., Chicago, Illinois, and James Loudon & Co., Inc., San Francisco, California, is a working arrangement under which forwarding and service fees are \$10.00 per shipment. Ocean freight compensation is to be divided equally between the parties.

Agreement No. FF-1110 between C. S. Greene and Company, Inc., Chicago, Illinois, and James Loudon & Co., Inc., Los Angeles, California, is a working arrangement under which forwarding and service fees are \$10.00 per shipment. Ocean freight compensation is to be divided equally between the parties.

Agreement No. FF-1112 between Chary Company, Inc., New York, New York, and Del Mar Shipping Corporation, San Francisco, California, is an arrangement under which forwarding and service fees are \$5.00 per shipment. Special services remain subject to agreement. Ocean freight compensation will be divided equally.

Agreement No. FF-1122 between Black & Geddes, New York, New York, and Perryman, Mojonier Company, Los Angeles, California, is an arrangement under which forwarding and service fees are \$1.50 for an export declaration and \$4.50 for documentation for consul purposes. Ocean freight compensation will be retained by the originator.

Agreement No. FF-1123 between Black & Geddes, New York, New York, and Fillette Green & Co., Pensacola, Florida, is an arrangement under which forwarding and service fees are to be divided as agreed. Ocean freight compensation will be divided:  $\frac{2}{3}$  to the originating party and  $\frac{1}{3}$  to the other party.

Agreement No. FF-1124 between Black & Geddes, New York, New York, and J. T. Steeb & Co., Inc., Portland, Oregon, is an arrangement under which forwarding and service fees are to be \$1.50 for clearing export declarations. Ocean freight compensation is to be retained by the originating party.

Agreement No. FF-1126 between Paul A. Boulo, Mobile, Alabama, and Regal Shipping Corp., New York, New York, is an arrangement under which forwarding and service fees are to be retained by the party performing the service. Ocean freight compensation is to be retained by the originating party in the amount of 50 percent.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. or at the Commission's field offices at:

45 Broadway, New York, N.Y.  
180 New Montgomery Street, San Francisco, Calif.

Room 333 Federal Office Building, South, 600 South Street, New Orleans 12, La., Mail Address: P.O. Box 30550, Lafayette Station, New Orleans 30, La.

They may submit to the secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the *FEDERAL REGISTER*, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 18, 1963.

By the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 63-11187; Filed, Oct. 22, 1963;  
8:47 a.m.]

#### IVARAN LINES (A/S IVARANS REDERI) AND ALCOA STEAMSHIP CO., INC.

##### Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9253, between Ivaran Lines (A/S Ivarans Rederi) and Alcoa Steamship Company, Inc., covers a through billing arrangement on general cargo transported from loading ports of Ivaran Lines in Argentina, Brazil and Uruguay to ports of call of Alcoa Steamship Company, Inc., in the Virgin Islands, with transshipment at New York, New York, Baltimore, Maryland, and Philadelphia, Pennsylvania in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the *FEDERAL REGISTER*, written statements with reference to the agreement and their position as to approval, disapproval, or

modification, together with a request for hearing, should such hearing be desired.

Dated: October 17, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 63-11188; Filed, Oct. 22, 1963;  
8:47 a.m.]

#### IVARAN LINES (A/S IVARANS REDERI) AND ALCOA STEAMSHIP CO., INC.

##### Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9252, between Ivaran Lines (A/S Ivarans Rederi) and Alcoa Steamship Company, Inc., covers a through billing arrangement on general cargo transported from loading ports of Ivaran Lines in Argentina, Brazil and Uruguay to ports of call of Alcoa Steamship Company, Inc., in Puerto Rico with transshipment at Baltimore, Maryland, and Philadelphia, Pennsylvania, in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the *FEDERAL REGISTER*, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 17, 1963.

THOMAS LISI,  
Secretary.

[F.D. Doc. 63-11189; Filed, Oct. 22, 1963;  
8:47 a.m.]

#### SCINDIA STEAM NAVIGATION CO., LTD., AND ALCOA STEAMSHIP CO., INC.

##### Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9256, between Scindia Steam Navigation Co., Ltd., and Alcoa Steamship Company, Inc., covers a through billing arrangement on general cargo transported from loading ports of Scindia Steam Navigation Co., Ltd., in India and Pakistan to ports of call of Alcoa Steamship Company, Inc., in the

Virgin Islands with transshipment at New York, New York, Baltimore, Maryland, and Philadelphia, Pennsylvania, in accordance with the terms and conditions set forth therein.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the *FEDERAL REGISTER*, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 17, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 63-11190; Filed, Oct. 22, 1963;  
8:47 a.m.]

#### SCINDIA STEAM NAVIGATION CO., LTD., AND ALCOA STEAMSHIP CO., INC.

##### Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9257, between Scindia Steam Navigation Co., Ltd., and Alcoa Steamship Company, Inc., covers a through billing arrangement on general cargo transported from loading ports of Scindia Steam Navigation Co., Ltd., in India and Pakistan to ports of call of Alcoa Steamship Company, Inc., in Puerto Rico with transshipment at Baltimore, Maryland, and Philadelphia, Pennsylvania, in accordance with the terms and conditions set forth therein.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the *FEDERAL REGISTER*, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 17, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 63-11191; Filed, Oct. 22, 1963;  
8:47 a.m.]



## DEPARTMENT OF LABOR

### Bureau of Employment Security FLORIDA

#### Wages for Foreign Agricultural Labor

Under the authority of section 204(c) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1154(c)), the United States Attorney General in passing upon an employer's request to import or retain foreign labor for temporary employment, requires a certification from the United States Employment Service that Employment Service policies have been observed. These policies include the requirement that, "Employment of such labor will not adversely affect the wages or working conditions of domestic workers similarly employed in the area" (20 CFR 602.10(2)).

On July 1, 1963, the Employment Service made a determination that wage offers of at least \$.95 per hour for agricultural workers in Florida would be necessary in order to avoid the prescribed "adverse affect" of 20 CFR 602.10(2). Based upon additional information, it has been decided that the July 1, 1963, determination pertaining to Florida should be held in abeyance pending a further opportunity for the presentation of data, views and argument regarding the determination.

All interested parties are invited to present data and argument, orally and in writing, with respect to the July 1 determination, or to suggest any alternative method for determining the wage rate which must be paid to alien agricultural workers in order to avoid adversely affecting the wages of domestic agricultural workers. Such expressions will be received by Clifford P. Grant, a Hearing Examiner appointed under section 11 of the Administrative Procedure Act (5 U.S.C. 211), on November 5, 1963, at 9:00 a.m. in the Gulf Stream Room of the Bay Front Park Auditorium, Biscayne Boulevard, Miami, Florida. The proceedings will be conducted in accordance with the direction of the Hearing Examiner. After consideration of all the available information, the Hearing Examiner will make his recommendations and certify the record of proceedings to the Administrator of the Bureau of Employment Security for his decision.

Signed at Washington, D.C., this 18th day of October 1963.

W. WILLARD WIRTZ,  
Secretary of Labor.

[F.R. Doc. 63-11197; Filed, Oct. 22, 1963;  
8:47 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP64-60]

### COLORADO INTERSTATE GAS CO.

#### Notice of Application and Date of Hearing

OCTOBER 16, 1963.

Take notice that on September 13, 1963, Colorado Interstate Gas Company (Applicant) filed in Docket No. CP64-60

an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing:

1. An additional meter run on the site of Applicant's Security Sales Meter Station, El Paso County, Colorado.

2. Enlargement of Applicant's Franktown metering facilities, Douglas County, Colorado.

3. Two new meter stations in Baca County, Colorado.

The facilities are to be used in the sale of natural gas to Plateau Natural Gas Company for resale and distribution to the Colorado communities of Widefield, Elizabeth, Kiowa and Pritchett, and to irrigation customers in Baca County, Colorado.

Applicant estimates the cost of the proposed facilities to be \$19,520 to be financed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on November 12, 1963 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 5, 1963. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 63-11164; Filed, Oct. 22, 1963;  
8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 276]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 18, 1963.

The following letter-notices of proposals to operate over deviation routes for operating convenience only, have been filed with the Interstate Commerce Commission, under the Commission's

deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests, if any should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC 780 (Deviation No. 24), PACIFIC INTERMOUNTAIN EXPRESS CO., P.I.E. Building, 14th and Clay Streets, Post Office Box 958, Oakland, Calif., filed October 6, 1963. Applicant's attorney: W. S. Piling, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 6 and 40, approximately 7 miles east of Idaho Springs, Colo., over U.S. Highway 6 to junction U.S. Highway 40, 3 miles east of Golden, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Denver, Colo., over U.S. Highway 40 to Salt Lake City, Utah, and return over the same route.

No. MC 44447 (Deviation No. 11), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Dayton, Ohio, and Flint, Mich., over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dayton over U.S. Highway 25 to Vandalia, Ohio, thence over U.S. Highway 40 to Springfield, Ohio, thence over U.S. Highway 68 to Findlay, Ohio, thence over U.S. Highway 25 to Detroit, Mich., thence over U.S. Highway 10 to Flint, and return over the same route.

No. MC 44447 (Deviation No. 12), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway

127 and Interstate Highway 96, approximately 1 mile south of Lansing, Mich., over Interstate Highway 96 to Detroit, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highway 127 and Interstate Highway 96 approximately 1 mile south of Lansing, Mich., over U.S. Highway 127 to Jackson, Mich., thence over Business Interstate Highway 94 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction with unnumbered highway near Lima Center, Mich., thence over said unnumbered highway to Ann Arbor, Mich., thence over Michigan Highway 14 to Detroit, and return over the same route.

No. MC 44447 (Deviation No. 13), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 65 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis over U.S. Highway 52 to Kentland, Ind., thence over U.S. Highway 41 to Chicago, and return over the same route.

No. MC 44447 (Deviation No. 14), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 69 to junction Interstate Highway 94, near Battle Creek, Mich., thence over Interstate Highway 94 to Detroit, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis over U.S. Highway 40 to Springfield, Ohio, thence over U.S. Highway 68 to Findlay, Ohio, thence over U.S. Highway 25 to Detroit, and return over the same route.

No. MC 44447 (Deviation No. 15), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Ghent, Ohio, over U.S. Highway 21 to junction with Ohio Highway 93, near Canal Fulton, and

return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Ghent over unnumbered highway (formerly U.S. Highway 21) via Copley, Loyal Oak, and Clinton to Canal Fulton, Ohio, thence over Ohio Highway 93 (formerly U.S. Highway 21) to junction U.S. Highway 21, and return over the same route.

No. MC 44447 (Deviation No. 16), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Napoleon, Ohio, over U.S. Highway 24 to Grand Rapids, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Napoleon over Ohio Highway 110 (formerly U.S. Highway 24) to Grand Rapids, and return over the same route.

No. MC 44447 (Deviation No. 17), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 12, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 6 and 41 at Hammond, Ind., over U.S. Highway 6 to junction U.S. Highway 421 at Westville, Ind., thence over U.S. Highway 421 to junction with U.S. Highway 30 at Watah, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the Junction U.S. Highways 6 and 41 at Hammond over U.S. Highway 41 to junction with U.S. Highway 30, thence over U.S. Highway 30 to junction with U.S. Highway 421 at Watah and return over the same route.

No. 44447 (Deviation No. 18), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over U.S. Highway 223 to junction Interstate Highway 23, near Sylvania, Ohio, thence over Interstate Highway 23 to Milan, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Toledo over unnumbered highway (formerly U.S.

Highway 23) over Temperance and Ida, Mich., to junction Michigan Highway 50, thence over Michigan Highway 50 (formerly U.S. Highway 23) to Dundee, Mich., thence over unnumbered highway (formerly U.S. Highway 23) over Azalia, Mich., to junction U.S. Highway 23 at Milan, and return over the same route.

No. MC 44447 (Deviation No. 19), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction unnumbered highway and Michigan Highway 78 at or near Perry, Mich., approximately 16 miles northeast of Lansing, Mich., over Michigan Highway 78 to junction unnumbered highway at or near Swartz Creek, Mich., approximately 5 miles west of Flint, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction unnumbered highway (formerly Michigan Highway 78) and Michigan Highway 78 at or near Perry over unnumbered highway (formerly Michigan Highway 78) to junction Michigan Highway 78, at or near Swartz Creek, and return over the same route.

No. MC 44447 (Deviation No. 20), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 127 and 12, east of Somerset Center, Mich., over U.S. Highway 127 to Jackson, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highways 127 and 12, east of Somerset Center, over U.S. Highway 12 to junction unnumbered highway (formerly U.S. Highway 127) at or near Somerset Center, thence over said unnumbered highway to Jackson, and return over the same route.

No. MC 44447 (Deviation No. 21), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed October 11, 1963. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction unnumbered highway (formerly U.S. Highway 23) and U.S. Highway 23 near Fenton, Mich., over U.S. Highway 23 to Flint, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to

transport the same commodities over a pertinent service route as follows: From the junction of unnumbered highway (formerly U.S. Highway 23) and U.S. Highway 23, near Fenton, over said unnumbered highway to Flint, and return over the same route.

No. MC 66562 (Deviation No. 12), RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y., filed October 8, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, moving in express service, over a deviation route as follows: From Koppel, Pa., over Pennsylvania Highway 18 to New Castle, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Koppel over Pennsylvania Highway 351 to Ellwood City, Pa., thence over Pennsylvania Highway 65 to New Castle, and return over the same route.

No. MC 68183 (Deviation No. 6), YANKEE LINES, INC., 1400 East Archwood Avenue, Akron 6, Ohio, filed October 9, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 30 and unnumbered highway, approximately 2 miles east of Downingtown, Pa., over unnumbered highway to junction U.S. Highway 30, approximately 5 miles west of Coatesville, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over Ohio Highway 4 to Springfield, Ohio, thence over U.S. Highway 40 to Columbus, Ohio, thence over Ohio Highway 3 to Wooster, Ohio, thence over Ohio Highway 5 to Akron, Ohio, thence over Ohio Highway 18 to Youngstown, Ohio, thence over U.S. Highway 422 to Ebensburg, Pa., thence over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to Philadelphia, and return over the same route.

No. MC 77061 (Deviation No. 1), LARMER TRANSFER CO., Post Office Box 507, 889 North Liberty Street, Salem, Oreg. Applicant's attorney: Eugene E. Laird, 502 Pioneer Trust Building, Salem, Oreg., filed October 7, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Salem and Portland, Oreg., over U.S. Highway 99, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Salem over U.S. Highway 99 east to Portland, thence over U.S. 99 to Vancouver, Wash., and return over the same route.

No. MC 108937 (Deviation No. 2), MURPHY MOTOR FREIGHT LINES, INC., 965 Eustis Street, St. Paul, Minn., 55114, filed October 4, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*,

with certain exceptions, over a deviation route as follows: From Hudson, Wis., over Interstate Highway 94 to junction Interstate Highway 90 near Tomah, Wis., thence over Interstate Highways 90 and 94 to junction Interstate Highways 90 and 94 near Madison, Wis., thence over Interstate Highway 90 to Chicago, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over Alternate U.S. Highway 30 to junction Illinois Highway 64, thence over Illinois Highway 64 via Savanna, Ill., to the Illinois-Iowa State line, thence over Iowa Highway 64 to Cedar Rapids, Iowa, thence over Iowa Highway 150 via Independence, Iowa, to Calmar, Iowa, and thence over U.S. Highway 52 via St. Paul, Minn., to Minneapolis, Minn. (also from Cedar Rapids over Iowa Highway 13 to Manchester, Iowa, thence over U.S. Highway 20 to Independence, and thence over the above-specified route to Minneapolis) (also from Savanna over Illinois Highway 80 to junction U.S. Highway 20, thence over U.S. Highway 20 to Dubuque, Iowa, thence over U.S. Highway 52 to Calmar, and thence over the above-specified route to Minneapolis), and return over the same route.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 63-11176; Filed, Oct. 22, 1963;  
8:46 a.m.]

[Notice 570]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 18, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

#### MOTOR CARRIERS OF PROPERTY

No. MC 1641 (Sub-No. 57), filed August 26, 1963. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer solutions, and anhydrous ammonia*, in bulk and tank vehicles, from Fremont, Nebr., and points within 10 miles thereof, to points in Iowa, Minnesota, South Dakota, and Kansas.

HEARING: December 13, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Jair S. Kaplan.

No. MC 2392 (Sub-No. 27), filed August 26, 1963. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 432, Genoa, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions, urea solutions, fertilizer ammoniating solutions, mixed fertilizer solutions, and other fertilizer solutions*, in bulk, in tank vehicles, from Fremont, Nebr., and points within ten (10) miles thereof to points in Iowa, Kansas, Minnesota, and South Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities and *damaged and rejected shipments*, on return.

HEARING: December 13, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Jair S. Kaplan.

No. MC 4405 (Sub-No. 404), filed June 5, 1963. Applicant: DEALERS TRANSPORT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), and *parts moving in conjunction with such trailers and chassis*, in initial movements in truck-away and driveaway service, from Saginaw, Mich., to points in the United States, including Alaska, but excluding Hawaii, and (b) *tractors*, in secondary driveaway service, only when drawing trailers and trailer chassis moving in initial driveaway service, from Saginaw, Mich., to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

NOTE: Common control may be involved.

HEARING: December 5, 1963, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Warren C. White.

No. MC 9148 (Sub-No. 6), filed August 30, 1963. Applicant: DEAN THORNTON, doing business as KEYSTONE TRUCKING COMPANY, Rushford, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Pike, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, including *compounded oil and greases and lubricating greases, oil emulsions, and advertising; petroleum oil, petroleum tar, petroleum wax, iron and steel rust-preventing or removing compound*, other than petroleum; *metal cutting, drawing and drilling compounds*, other than petroleum; *brake fluid*, other than petroleum; and *cleaning, washing and scouring compound*; as described in Appendix XIII of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Buffalo, N.Y., Emlenton, Pa., and points in McKean County, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE: Applicant states the authority sought from Buffalo, N.Y., is to be restricted to shipments originating at Buffalo, N.Y., with stopover to complete loading at the above named Pennsylvania origin points; or,



on shipments originating at the above named Pennsylvania origin points, with stopover at Buffalo, N.Y., to complete loading.

**HEARING:** December 16, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 15473 (Sub-No. 13), filed July 18, 1963. Applicant: BEST TRUCK LINES, INC., 321 North Main Street, Ottawa, Kans. Applicant's attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading), between Ottawa, Kans., and Lawrence, Kans.; from Ottawa over U.S. Highway 59 to Lawrence, and return over the same route, serving no intermediate points.

**HEARING:** November 20, 1963, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52.

No. MC 29654 (Sub-No. 43), filed May 27, 1963. Applicant: FURNITURE EXPRESS, INC., Fluvanna Road, Rural Delivery No. 1, Jamestown, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Curtain wall panels*, uncrated, from Jamestown, N.Y., to points in New York, Pennsylvania, New Jersey, Ohio, Maryland, Illinois, Indiana, Wisconsin, Michigan, Delaware, Massachusetts, Rhode Island, Connecticut, Virginia, West Virginia, Tennessee, New Hampshire, Vermont, South Carolina, North Carolina, Missouri, Kansas, Kentucky, Maine, Iowa, Minnesota, and the District of Columbia, and *returned, damaged, defective and rejected shipments*, of the commodities specified above, on return.

**HEARING:** December 19, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 29654 (Sub-No. 45), filed June 21, 1963. Applicant: FURNITURE EXPRESS, INC., Fluvanna Road, Rural Delivery No. 1, Jamestown, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated or cartoned, from points in McKean County, Pa., to points in Chautauqua County, N.Y., and *returned, damaged, defective and rejected shipments* of the above described commodity, on return.

**HEARING:** December 17, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 29654 (Sub-No. 46), filed June 26, 1963. Applicant: FURNITURE EXPRESS, INC., Fluvanna Road, Rural Delivery No. 1, Jamestown, N.Y., Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated or cartoned, from points in Middlesex and Worcester Counties, Mass., and points in Oneida County, N.Y., to points in Ohio, West Virginia, Virginia, points in New York located on and west of a line commencing at Lake Ontario at or near Oswego, N.Y., thence continuing south along New York Highway 57 to Syracuse, N.Y., thence continuing south along U.S. Highway 11 to the New York-Pennsylvania State line, and points in Pennsylvania located on and west of U.S. Highway 15, and *returned, damaged, defective or rejected shipments thereof*, on return.

**HEARING:** December 18, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 29654 (Sub-No. 47), filed July 1, 1963. Applicant: FURNITURE EXPRESS, INC., Fluvanna Road, Rural Delivery No. 1, Jamestown, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Davidson County, N.C., to points in Virginia, West Virginia, Pennsylvania, Maryland, Delaware, Ohio, and New Jersey, points in New York, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Michigan, Illinois, Indiana, and the District of Columbia, *returned, damaged, defective and rejected shipments*, of the commodity specified above, on return.

**HEARING:** December 20, 1963, at the Hotel Buffalo, Washington and Swans Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 35890 (Sub-No. 27), filed June 19, 1963. Applicant: BLODGETT UNCRATED FURNITURE SERVICE INC., 845 Chestnut Street SW., Grand Rapids, Mich. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated or cartoned, from points in McKean County, Pa., to points in Chautauqua County, N.Y., and *returned, damaged, defective or rejected shipments thereof*, on return.

**HEARING:** December 17, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 35890 (Sub-No. 28), filed June 19, 1963. Applicant: BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street SW., Grand Rapids, Mich. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated or cartoned, from points in Middlesex and Worcester Counties, Mass., and points in Oneida County, N.Y., to points in Michigan, Indiana, and Illinois, and *damaged and defective ship-*

*ments* of commodities specified above, on return.

**HEARING:** December 18, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 52709 (Sub-No. 223), filed July 15, 1963. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hastings, Nebr., to points in Illinois, Indiana, and Ohio.

NOTE: Common control may be involved.

**HEARING:** December 11, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Jair S. Kaplan.

No. MC 52709 (Sub-No. 229), filed October 14, 1963. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Sidney, Nebr., to Waterloo, Iowa, and points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: Common control may be involved.

**HEARING:** November 15, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner H. Reece Harrison.

No. MC 58813 (Sub-No. 45), filed July 26, 1963. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. Applicant's attorney: Solomon Granett, 1740 Broadway, New York 19, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, on hangers only, between points in New York, N.Y., commercial zone, on the one hand, and, on the other, points in Florida, Alabama, Georgia, North Carolina, South Carolina, Tennessee, Arkansas, and Kentucky, and (2) *materials and supplies*, used in the manufacture of wearing apparel from points in New York, N.Y., commercial zone to points in Florida, Alabama, Georgia, North Carolina, South Carolina, Tennessee, Arkansas, and Kentucky, and *returned, reused and rejected shipments*, on return.

**HEARING:** December 2, 1963, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner Charles J. Murphy.

No. MC 61396 (Sub-No. 98), filed September 20, 1963. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients and solutions, and anhydrous ammonia* from Fremont, Nebr., and points within ten (10) miles thereof to points in South Dakota, Iowa, Kansas, and Minnesota, and *returned or rejected shipments*, on return.

**HEARING:** December 13, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Jair S. Kaplan.

No. MC 69876 (Sub-No. 12), filed July 26, 1963. Applicant: BURKS-PELZ TRANSFER, INC., 801-B North Wabash Street, Evansville, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and frozen dessert specialties*, in shipper owned trailers, (1) from the site of the Edgewood Dairy Co. located at Evansville, Ind., to points in Ohio and the site of the Dunkirk Ice Cream Co. located at Dunkirk, N.Y., and (2) from the site of the Dunkirk Ice Cream Co. located at Dunkirk, N.Y., to the site of the Edgewood Dairy Co. located at Evansville, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities and *empty shipper owned trailers*, on return.

**NOTE:** Applicant states the proposed transportation service will be rendered under a continuing contract with Edgewood Dairy Co. and Dunkirk Ice Cream Co.

**HEARING:** December 9, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 94350 (Sub-No. 27), filed September 9, 1963. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truck-away service, from points in Ohio to points in the United States, including Alaska but excluding Hawaii, and *damaged or rejected shipments* on return.

**HEARING:** December 20, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 95540 (Sub-No. 418), filed April 16, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, textiles and textile products, made of natural or synthetic fibres, metallic yarn, or mixtures thereof, metallic yarn, foodstuffs, canned goods, rugs, carpeting, carpeting products and manufactures textile products*, between points in Alabama, Georgia and points in Tennessee within 50 miles of Chattanooga, Tenn., including Chattanooga, on the one hand, and, on the other, points in Arizona and California.

**NOTE:** Applicant states that it is under common control with Artic Express, through stock ownership.

**HEARING:** December 16, 1963, at the U.S. Post Office and Courthouse, Chattanooga, Tenn., before Examiner Charles J. Murphy. This assignment is for applicant's presentation only.

No. MC 95540 (Sub-No. 540), filed July 17, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, 205 Jackson Building, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (restricted against the transportation of commodities in bulk, in tank vehicles and against the transportation of hides), from Iowa Falls, Iowa, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

**NOTE:** Common control may be involved.

**HEARING:** December 12, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Jair S. Kaplan.

No. MC 103378 (Sub-No. 268), filed August 29, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ground limestone*, in bulk, from points in Pickens County, Ga., to points in Alabama, Florida, South Carolina, North Carolina, and Tennessee.

**HEARING:** December 9, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles J. Murphy.

No. MC 103378 (Sub-No. 271), filed September 9, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ground limestone*, in bulk, (a) from points in Talladega County, Ala., to points in Georgia, and (b) from points in Bartow County, Ga., to points in Alabama, Florida, South Carolina, North Carolina, and Tennessee.

**HEARING:** December 9, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles J. Murphy.

No. MC 103378 (Sub-No. 274), filed September 19, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry talc*, in bulk, from points in Murray County, Ga., to points in Alabama, Florida, South Carolina, North Carolina, and Tennessee.

**HEARING:** December 11, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles J. Murphy.

No. MC 103378 (Sub-No. 275), filed September 26, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Ap-

plicant's attorney: Martin Sack, Jr., 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium phosphates*, in bulk, from points in Bibb County, Ga., to points in Alabama, Florida, Georgia, South Carolina, North Carolina, and Tennessee.

**HEARING:** December 11, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles J. Murphy.

No. MC 103993 (Sub-No. 179), filed August 14, 1963. Applicant: MORGAN DRIVE-AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Ohio (except from Gallon, Ohio), to points in the United States including Alaska but excluding Hawaii, and *rejected shipments*, on return.

**HEARING:** December 20, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 105172 (Sub-No. 6), filed August 30, 1963. Applicant: GORDON DEHMLER, doing business as COVERED WAGON TRAIN, Dansville, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including compounded oil and greases and lubricating greases, oil emulsions, and advertising; petroleum oil; petroleum tar; petroleum wax; iron and steel rust-preventing or removing compound, other than petroleum; metal cutting, drawing and drilling compounds, other than petroleum; brake fluid, other than petroleum; and cleaning, washing and scouring compound; as described in Appendix XIII of Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from points in McKean County, Pa., and from Emlenton, Pa., and Buffalo, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.*

**NOTE:** Applicant states the authority sought from Buffalo is to be restricted to shipments originating at Buffalo with stopover to complete loading at the named Pennsylvania origins; or, on shipments originating at the named Pennsylvania origins, with stopover at Buffalo to complete loading.

**HEARING:** December 16, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 106997 (Sub-No. 9) (CORRECTION), filed August 18, 1963, published FEDERAL REGISTER, issue of October 2, 1963, republished as amended October 16, 1963, and republished as corrected this issue. Applicant: ARTHUR PIERSON, 100 Water Street, Newton, N.J. Applicant's representative: George A. Olson, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by

motor vehicle, over irregular routes, transporting: *Sensitized photographic materials, equipment and supplies*, from Newton, N.J., to Cleveland, Ohio, Detroit, Mich., Washington, D.C., and Atlanta, Ga.

NOTE: Applicant states proposed "service to be rendered under a continuing contract with Anken Chemical & Film Corp., Newton, N.J." The purpose of this republication is to show the correct hearing date inadvertently shown as November 16, 1963, in previous publication.

HEARING: November 26, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry M. Shooman.

No. MC 107107 (Sub-No. 289), filed October 7, 1963. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Luverne, Minn., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

NOTE: Applicant states no duplicating authority is sought. It is further stated that the point of origin will be restricted to the plant site of MID Packing Company, located at or near Luverne, Minn.

HEARING: November 7, 1963, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner John S. Messer.

No. MC 107403 (Sub-No. 486), filed August 8, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from points in Seneca County, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia.

HEARING: December 18, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 110420 (Sub-No. 338), filed October 14, 1963. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana, Illinois, Wisconsin, Missouri, Iowa, Michigan, and Minnesota.

NOTE: Common control may be involved.

HEARING: November 12, 1963, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Gerald F. Colfer.

No. MC 110525 (Sub-No. 595), filed August 29, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Dowingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Protective coatings, intermediates and materials used in the manufacture thereof*, in bulk, between Indianapolis, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida,

Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: December 11, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 111812 (Sub-No. 224), filed October 7, 1963. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sidney, Nebr., to Waterloo, Iowa, and points in Illinois, Indiana, Ohio, Michigan (lower peninsula), Pennsylvania, Maryland, New Jersey, New York, West Virginia, Virginia, Delaware, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia.

HEARING: November 15, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner H. Reece Harrison.

No. MC 112020 (Sub-No. 207), filed October 7, 1963. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Ft. Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar stock and vinegar*, in bulk, in tank vehicles, from points in California and Washington, to points in Arkansas, Missouri, and Texas.

HEARING: November 1, 1963, at the Pickwick Motor Inn (Park East Hotel), McGee and 10th Street, Kansas City, Mo., before Examiner James Anton.

No. MC 112520 (Sub-No. 92), filed September 6, 1963. Applicant: MCKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Escambia and Santa Rosa Counties, Fla., to points in Missouri.

NOTE: Common control may be involved.

HEARING: December 4, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Joseph A. Reilly.

No. MC 112617 (Sub-No. 156), filed August 26, 1963. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Protective coatings, intermediates, and materials used in the manufacture thereof*, in bulk, between Indianapolis, Ind., on the one hand, and,

on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: December 11, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 113267 (Sub-No. 106), filed September 16, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge, 410 O'Farrell Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved food products*, (1) from Haddock, Ga., to points in Arkansas, Iowa, Michigan, Missouri, and Wisconsin, and (2) from Woodruff, S.C., to points in Ohio, Kentucky, and Michigan.

NOTE: Common control may be involved.

HEARING: December 10, 1963, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Charles J. Murphy.

No. MC 113267 (Sub-No. 109), filed October 15, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packing-houses* (restricted against commodities in bulk in tank vehicles), from points in Nebraska to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

NOTE: Common control may be involved.

HEARING: November 18, 1963, at the Federal Office Building, 15th and Dodge Streets, Omaha, Nebr., before Examiner Dallas B. Russell.

No. MC 115331 (Sub-No. 58) (AMENDMENT), filed August 22, 1963, published in FEDERAL REGISTER September 25, 1963, amended October 14, 1963 and republished as amended this issue. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen fertilizer solutions*, from Marseilles, Ill., and points within five (5) miles thereof, to points in Indiana, Illinois, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin, and Kentucky.

NOTE: The purpose of this republication is to show the addition of Kentucky to destination description.

HEARING: Remains as assigned November 8, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 115491 (Sub-No. 38), filed August 21, 1963. Applicant: COMMERCIAL CARRIER CORPORATION, 502

East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue, Post Office Box 586, Lakeland, Fla., 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic fittings, plastic pellets, plastic scrap, and plastic bonding cement*, from points in Ohio on and east of a line beginning at Cleveland, Ohio, and extending along U.S. Highway 42 to Delaware, Ohio, thence along U.S. Highway 23 to Portsmouth, Ohio, to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, and *damaged, defective and returned shipment of the above-specified commodities*, on return. **RESTRICTION:** Any traffic destined to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee shall be stop-offs for partial unloading with final destination in Florida.

**HEARING:** December 19, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 115491 (Sub-No. 39), filed August 21, 1963. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue, (Post Office Box 586), Lakeland, Fla., 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vitrified clay sewer pipe and related articles such as clay flue linings, clay stove pipe, clay wall coping, and other clay products*, from points in Ohio on and east of a line beginning at Cleveland, Ohio, and extending along U.S. Highway 42 to Delaware, Ohio, thence along U.S. Highway 23 to Portsmouth, Ohio, to points in Alabama, Georgia, Louisiana, and Mississippi, and *damaged, defective, and returned shipments of the above-specified commodities*, on return.

**HEARING:** December 19, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 115669 (Sub-No. 40), filed May 24, 1963. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Animal and poultry feed, animal and poultry feed ingredients* (except the foregoing commodities in bulk liquid form), and (b) *animal and poultry health products, insecticides, pesticides, empty bags, and other containers, advertising matter and premiums*, all when shipped with any of the various feeds or ingredients in (1) (a), from Danville and Monmouth, Ill., and points in Iowa, to points in Nebraska, Kansas, and South Dakota; (2) *animal and poultry feed ingredients* (except the foregoing commodities in bulk liquid form), (a) from points in South Dakota, to points in Nebraska, Iowa, and Kansas, (b) from points in Nebraska, to points in Iowa, Minnesota, and Kansas, and to Monmouth and Danville, Ill., and (c)

from points in Minnesota, to points in Iowa, Nebraska, and Kansas; and (3) *soybean meal*, in bulk, from points in Iowa, to points in Missouri.

**HEARING:** December 9, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Jair S. Kaplan.

No. MC 115669 (Sub-No. 41), filed July 17, 1963. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, mineral mixtures, and pepper when shipped with salt and mineral mixtures*, in straight- or mixed-truckloads, from Hutchinson, Kans., to points in Montana on and east of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 89 through Livingston and White Sulphur Springs, Mont., to Great Falls, Mont., and thence along U.S. Highway 91 through Conrad and Shelby, Mont., to the United States-Canada boundary line.

**HEARING:** December 11, 1963, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Jair S. Kaplan.

No. MC 115757 (Sub-No. 40), filed August 29, 1963. Applicant: BULK MOTOR TRANSPORT, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in specialized tank or hopper trailers, from Buffalo, N.Y., to Cleveland, Ohio.

**HEARING:** December 19, 1963, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Laurence E. Masoner.

No. MC 117119 (Sub-No. 105), filed September 6, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark. and A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses* as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except in bulk, in tank vehicles), from points in Minnesota to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Arkansas, and Virginia.

**HEARING:** December 9, 1963, at the Dupont Plaza Hotel, Miami, Fla., before Examiner Joseph A. Reilly.

No. MC 117119 (Sub-No. 119), filed October 10, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John M. Joyce, 24 North College, Fayetteville, Ark. and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, in vehicles, equipped with mechanical refrigeration (except liquid

commodities in bulk), from Chattanooga, Tenn., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas.

**HEARING:** November 5, 1963, at the U.S. Post Office and Courthouse, Chattanooga, Tenn., before Examiner Theodore M. Tahan.

No. 117119 (Sub-No. 121), filed October 10, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, requiring refrigeration*, from Saugatuck, Mich., to points in Colorado, Illinois, Idaho, Kansas, Missouri, Minnesota, Oklahoma, Nebraska, South Dakota, and Wyoming.

**HEARING:** October 30, 1963, at the Federal Building, Lansing, Mich., before Examiner James A. McKiel.

No. MC 118831 (Sub-No. 27), filed August 26, 1963. Applicant: CENTRAL TRANSPORT, INC., East College Drive, High Point, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* in bulk in tank truck vehicles from points in Kanawha County, W. Va., to points in North Carolina and South Carolina.

**NOTE:** Common control may be involved.

**HEARING:** December 5, 1963, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner Charles J. Murphy.

No. MC 118884 (Sub-No. 1), filed August 7, 1963. Applicant: RELIABLE MACHINERY HAULERS, INC., 109 Belden Avenue, Canton, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which by reason of their size, shape, or weight require special equipment, from Canton and Alliance, Ohio, to points in New York, New Jersey, and Pennsylvania.

**HEARING:** December 17, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. 119441 (Sub-No. 9), filed July 29, 1963. Applicant: BAKER HI-WAY EXPRESS, INC., Stone Creek, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from points in Carroll County, Ohio, and East Palestine, Ohio, and points within five (5) miles thereof, to points in Illinois, and *empty containers or other such incidental facilities* (not specified) used in transporting clay products, on return.

**HEARING:** December 4, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Frank J. Mahoney.

No. MC 119507 (Sub-No. 12), filed September 9, 1963. Applicant: CRAUN TRANSPORTATION, INC., Emma Sreet, Bettsville, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-



Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from points in Seneca County, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia.

**HEARING:** December 18, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 119547 (Sub-No. 7), filed July 31, 1963. Applicant: EDGAR W. LONG, Route No. 4, Zanesville, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earthenware, chinaware, stoneware, and pottery, metal stands, and glass gazing globes*, from points in Ohio and points in Brooke and Hancock Counties, W. Va., to points in the United States (except Alaska and Hawaii), and *materials and supplies* used in the manufacture of earthenware, chinaware, stoneware, and pottery, on return.

**NOTE:** Applicant states it seeks no duplicating authority.

**HEARING:** December 2, 1963, at the New Post Office Building, Columbus, Ohio, before Examiner Frank J. Mahoney.

No. MC 119641 (Sub-No. 43), filed September 20, 1963. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silos*, knocked down, from Kankakee, Ill., to the ports of entry on the international boundary line between the United States and Canada located at or near Detroit and Port Huron, Mich., and (2) *agricultural machinery, and agricultural implements*, from Bloomington, Ill., to the ports of entry on the international boundary line between the United States and Canada located at or near Detroit and Port Huron, Mich.

**NOTE:** Applicant states the transportation requested in the proposed service above will be restricted to traffic moving to Canadian destinations.

**HEARING:** December 6, 1963, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Warren C. White.

No. MC 123012 (Sub-No. 2), filed September 9, 1963. Applicant: DEWEY MILICH, Rural Delivery 2, Box 301, Brownsville, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spings, axles, wheels, frames, and other trailer component parts*, from Detroit, Owosso, and Buchanan, Mich., St. Louis, Mo., Momence, Ill., Toledo, Ohio, Clintonville, Wis., and Los Angeles, Calif., to the plant of Stevens Manufacturing Co., located at Ebensburg, Pa., and (2) *finished jet engine military trailers*, in specially constructed flat bed trailers, from Ebensburg, Pa., to Norfolk, Va., Alameda, North Island, and Oak-

land, Calif., Jacksonville and Pensacola, Fla., Quonset Point, R.I., and Cherry Point, N.C.

**NOTE:** Applicant states the proposed operations will be under a continuing contract with Stevens Manufacturing Co., of Ebensburg, Pa.

**HEARING:** November 26, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 124048 (Sub-No. 17), filed September 13, 1963. Applicant: SCHWERMAN TRUCKING CO. OF INDIANA, INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler*, in bulk, in tank vehicles, from Greencastle, Ind., to points in Illinois, Indiana, Kentucky, Ohio, and Michigan.

**NOTE:** Applicant states it holds contract carrier authority under Docket MC 113833 and Subs thereto and common carrier authority under Docket MC 124048 and Subs thereto. An application is pending before the Commission to convert all permits to a common carrier certificate. Thus, dual operations may be involved. Also, common control may be involved.

**HEARING:** December 13, 1963, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 124344 (Sub-No. 2), filed September 29, 1963. Applicant: ROBERT M. COLGAN, doing business as RED SEAL TRUCKING, Post Office Box 753, Huntington, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Milk products, milk byproducts, and fruit juices, fruit drinks, and fruit segments*, in containers, in vehicles equipped with temperature control devices, from Milwaukee, Wis., to points in Indiana on and north of U.S. Highway 36, including points on and within three (3) miles of said highway; and (2) *ice cream, ice cream mix, ice milk, sherbet, water ices and vegetable-fat frozen desserts*, in containers, in mechanically refrigerated vehicles and *ice cream novelties, including water ice bars, fudge bars, ice cream bars, ice cream cups, ice cream sandwiches, ice cream cake rolls, ice cream pies, and articles of a like nature*, in containers, in mechanically refrigerated vehicles, from Hamilton, Ohio to Elkhart, Evansville, Hammond, Huntington, Indianapolis, Lafayette, South Bend, and Terre Haute, Ind., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, in (1) and (2) above, on return.

**HEARING:** December 10, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 124796 (Sub-No. 8), filed August 1, 1963. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 300

Avery Street, Los Angeles 13, Calif. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations and toilet articles and germicides, and advertising matter moving with such commodities*, from plant sites or warehouses of the Alberto-Culver Co. located at Melrose Park and Carpentersville, Ill., to points in Florida, Georgia, and points on and east of Tennessee Highway 13, located at points in Tennessee.

**NOTE:** Applicant states all service to be performed will be limited to a transportation service under a continuing contract with Albert-Culver Co., Melrose Park, Ill.

**HEARING:** December 2, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Joseph A. Reilly.

No. MC 125303 (REPUBLICATION), filed April 24, 1963, published FEDERAL REGISTER, issue of May 29, 1963, and republished this issue. Applicant: JEWEL J. SMITH, JR., doing business as SMITH'S WRECKER & TOWING, Post Office Box 491, Baker, La. By application filed April 24, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wrecked, disabled, damaged and repossessed motor vehicles by wrecker truckaway method, from Baton Rouge, La., to points in Louisiana, Arkansas, Mississippi, Tennessee, Alabama, Georgia, Florida, and Texas. Hearing was held on July 24, 1963, at Baton Rouge, La. At the hearing the application was amended to read: "between points in Louisiana, on the one hand, and, on the other, points in Arkansas, Mississippi, Tennessee, Alabama, Georgia, Florida, and Texas." A report and order, recommended by Dallas B. Russell, hearing examiner, served August 23, 1963, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of wrecked, disabled, damaged, and repossessed motor vehicles by use of wrecker equipment, between points in Louisiana, on the one hand, and, on the other, points in Arkansas, Mississippi, Tennessee, Alabama, Georgia, Florida, and Texas. In order to protect the public, however, the recommended findings are being published in the FEDERAL REGISTER and a certificate shall not be issued until after the lapse of 30 days from the date of publication.

No. MC 125539, filed July 18, 1963. Applicant: AUTOCAR SHIPPING CO., a corporation, 1840 South Young Circle, Hollywood, Fla. Applicant's attorney: Wm. P. Simmons, Jr., 1010 First National Bank Building, Miami 32, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, in driveaway service, from points in Dade, Broward, and Palm Beach Counties, Fla., to points in the United States east of the Mississippi River.

**HEARING:** December 11, 1963, at the Dupont Plaza Hotel, Miami, Fla., before Examiner Joseph A. Reilly.

No. MC 125550 (AMENDMENT), filed July 28, 1963, published *FEDERAL REGISTER* issue of August 28, 1962, amended at the hearing and republished as amended this issue. Applicant: **THE HELLER CO.**, a corporation, 3700 Beale Avenue, Altoona, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Electrical fixtures and component parts thereof and metal housewares, metal utility buildings, and metal houseware products* (including but not limited to, *storage lockers, storage sheds, canopies, portable rooms, stools, tables, and carts*), manufactured by Stanley Electric Manufacturing Co. and sold by Stanley Electric Manufacturing Co., and under the trade names of William Heller Co., Inc., and the Warwick Co., Inc., from Altoona, Pa., to points in Kansas, Iowa, Missouri, Nebraska, Colorado, Texas, Oklahoma, New Mexico, Georgia, Virginia, Michigan, North Carolina, South Carolina, Tennessee, Alabama, and Florida, and (B) *materials* used in the manufacture of the aforesaid commodities, on return.

**NOTE:** Applicant states the proposed service will be under a continuing contract with Stanley Electric Manufacturing Co., of Altoona, Pa.

**CONTINUED HEARING:** December 2, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 125609, filed August 16, 1963. Applicant: **PIEDMONT MOBILE TRANSPORT**, Post Office Box 3194, Winston-Salem, N.C. Applicant's representative: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *New and used house trailers*, between points in the United States, including Alaska, but excluding Hawaii.

**HEARING:** December 6, 1963, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner Charles J. Murphy.

No. MC 125638, filed August 23, 1963. Applicant: **HYTE BLEVINS**, doing business as **BLEVINS TIRE & MOVING CO.**, West Jefferson, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between points in Ashe County, N.C., on the one hand, and, on the other, points in Virginia, Pennsylvania, Delaware, Maryland, West Virginia, Tennessee, and the District of Columbia.

**HEARING:** December 5, 1963, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner Charles J. Murphy.

No. MC 125642, filed September 1, 1963. Applicant: **BYRON LUCY**, Rural Route

No. 5, Monticello, Ind. Applicant's attorney: Walter F. Jones, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer, ale, and malt beverages*, in bottles, barrels, and cans, from Milwaukee, Wis., St. Louis, Mo., Peoria, Ill., Newport, Ky., and Detroit, Mich., to the warehouse site of the Lake Beverage Co., located at Monticello, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

**NOTE:** Applicant states that the proposed service will be under a continuing contract with the Lake Beverage Co. of Monticello, Indiana.

**HEARING:** December 9, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 125644, filed August 29, 1963. Applicant: **UTLEY TRANSPORTATION CO., INC.**, Steele, Mo. Applicant's attorney: Edward G. Grogan, Commerce Title Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, in packages, and liquid sugar, in bulk*, from points in Louisiana, Gulfport, and Biloxi, Miss. to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Nebraska, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin, and *damaged and rejected shipments and exempt commodities* on return.

**HEARING:** December 12, 1963, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 125659, filed September 6, 1963. Applicant: **ACE DRIVEAWAY SYSTEM, INC.**, 1880 NE. 163d Street, North Miami Beach, Fla. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in driveaway method, between points in Florida, on the one hand, and, on the other, points in the United States, and Washington, D.C. (except Hawaii, Alaska, and New York).

**NOTE:** Common control may be involved.

**HEARING:** December 12, 1963, at the Dupont Plaza Hotel, Miami, Fla., before Examiner Joseph A. Reilly.

No. MC 125662, filed September 9, 1963. Applicant: **BILLY M. BRYANT**, North Spring Garden Road, Post Office Box 2624, Deland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, in bags and in bulk, (1) from Haines City and Orlando, Fla., to points in New York and Pennsylvania, and (2) from points in North Carolina, South Carolina, Georgia, and Maryland, to points in Florida.

**NOTE:** Applicant proposes to transport exempt commodities, on return.

**HEARING:** December 4, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Joseph A. Reilly.

No. MC 125663, filed September 1, 1963. Applicant: **ARCHIE HOLL**, doing business as **HOLLE'S TOWING WRECKER SERVICE**, 503 West Per. Street, Warsaw, Ind. Applicant's attorney: Donald W. Smith, Suite 5, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, by wreck and tow truck service, between points: Kosciusko, Marshall, St. Joseph, Elkhart, La Grange, Steuben, DeKalb, White, Allen, Noble, Wabash, Miami, Fulton, LaPorte, Starke, Pulaski, Cass, Howard, Grant, Blackford, Huntington, and Wells Counties, Ind., and Branch, St. Joseph, Cass, and Berrien Counties, Mich., on the one hand, and, on the other, points: Michigan, Indiana, Ohio, Illinois, Wisconsin, Iowa, Missouri, Kentucky, Pennsylvania, New York, West Virginia, Virginia, Tennessee, and North Carolina.

**HEARING:** December 13, 1963, Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 125674, filed September 1, 1963. Applicant: **MARTIN ANDERSEN**, doing business as **SENTINEL-STAR EXPRESS**, 633 North Orange Avenue, Orlando, Fla. Applicant's attorney: George T. Eidson, Jr., Suite 506, First National Bank Building, Post Office Box 231, Orlando, Fla., 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes transporting: (A) *Light express, consisting of newspapers and packages*. Regular routes: (1) from Orlando, Fla., over U.S. Highways 17 and 92 to Kissimmee, Fla., thence over U.S. Highways 192 and 441 to St. Cloud, Fla. (returning over the same route to Kissimmee), thence over U.S. Highways 17 and 92 to Intercession City, Davenport, and Haines City, Fla. thence over U.S. Highway 92 to Lake Alfred, Auburndale, and Lakeland, Fla. (returning over the same route to Auburndale), thence over Florida Highway 544 and 557 to Winter Haven, Fla., thence over U.S. Highway 27 and Florida Highway 540 to Lake Wales, Fla., thence over Alternate U.S. Highway 27 to Waverly, Dundee, Lake Hamilton, and Haines City, Fla., thence over U.S. Highways 1 and 92 to Orlando, serving all intermediate points; (2) from Orlando over U.S. Highway 441 to Apopka, Fla., thence over Florida Highway 437 to Ocoee and Winter Garden, Fla., thence over county road and Florida Highway 50 to junction U.S. Highway 27, thence over U.S. Highway 27 to Minneola, Fla., thence over Florida Highway 561 to Clermont, Fla., thence over Florida Highway 50 to Groveland, Fla., returning over Florida Highway 50 to Orlando, serving all intermediate points; (3) from Orlando over U.S. Highways 17 and 92 to Sanford, Fla., thence over Florida Highway 415 to Osteen, Fla., thence over Florida Highways 415 and 40 to New Smyrna, Fla., thence over U.S. Highway 1 to Daytona, Fla., thence over U.S. Highway 9

to Deland, Fla., thence over U.S. Highways 17 and 92 to Orange City and Orlando, serving all intermediate points; (4) from Orlando over U.S. Highway 441 to Plymouth, Zellwood and Mount Dora, Fla., thence over U.S. Highway 441 and Florida Highway 19 to Eustis, Fla., thence over Florida Highways 19 and 19A and U.S. Highway 441 to Tavares and Leesburg, Fla., thence over Florida Highway 44 to Wildwood, Fla., thence over Florida Highway 44 and U.S. Highway 441 to Orlando, serving all intermediate points and using county roads and Florida Highways 44, 19, 19A, and 48 for operating convenience; (5) from Orlando over Florida Highway 50 to Indian River City, Fla., thence over U.S. Highway 1 to Titusville and Mims, Fla., thence over Florida Highways 46 and 426 to Oviedo, Fla., thence over Florida Highway 426 to Winter Park, Fla., thence over U.S. Highways 17 and 92 and Florida Highway 50 to Orlando, serving all intermediate points; (6) from Orlando over Florida Highway 50 to junction Florida Highway 520, thence over Florida Highway 520 to Cocoa, Fla., thence over U.S. Highway 1 to Eau Gallie and Melbourne, Fla., and return over the same route, serving all intermediate points; (7) from Orlando over U.S. Highways 17 and 92 to Sanford, Orange City, and Deland, and return over the same route, serving all intermediate points; (8) from Orlando over Florida Highway 50 to Titusville, thence over U.S. Highway 1 to New Smyrna and Daytona (returning over the same route to New Smyrna), thence over Florida Highways 40 and 415 to Samsula, Fla., thence over Florida Highway 415 to Sanford, thence over U.S. Highways 17 and 92 to Orlando, serving all intermediate points; (9) from Orlando over Florida Highway 50 to junction Florida Highway 520, thence over Florida Highway 520 to Cocoa and Merritt Island, Fla., thence over Florida Highway 520 and Alternate Florida Highway 1A to Cocoa Beach, Fla., thence over Alternate Florida Highway 1A to junction Florida Highway 401, thence over Florida Highway 401 to Port Canaveral and Cape Canaveral, Fla., thence over Florida Highway 401 to junction Alternate Florida Highway 1A, thence over Alternate Florida Highway 1A to Patrick Air Force Base, Fla., thence over Alternate Florida Highway 1A to Canova Beach, Indialantic, and Melbourne Beach, Fla., thence over Alternate Florida Highway 1A to junction Florida Highway 520, thence over Florida Highway 520 to junction Florida Highway 50, thence over Florida Highway 50 to Orlando, serving all intermediate points; and (10) from Orlando over Florida Highway 50 and U.S. Highway 27 to Minneola, thence over U.S. Highway 27 to Leesburg, thence over Florida Highway 44 to Wildwood, thence over U.S. Highway 301 to Belleview, thence over U.S. Highway 27 to Ocala, Fla. (returning over the same route to Belleview), thence over U.S. Highways 27 and 441 to Leesburg, thence over U.S. Highway 441 to Orlando, serving all intermediate points.

NOTE: Applicant states the proposed transportation of light express over the above described regular routes shall be limited to

a total weight of five hundred (500) pounds from one consignor to one consignee on any one schedule to be performed by applicant. There will be no restriction as to the number of packages making up said total weight; however, no one package may exceed 125 pounds in weight. (B) *Parcels, packages and items*, not in excess of one hundred (100) pounds. Irregular routes: between points in the metropolitan area of Orlando, Fla.

HEARING: December 5, 1963, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate before Examiner Joseph A. Reilly.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Sub-No. 38), filed August 5, 1963. Applicant: AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha, Nebr. Applicant's representative: Warren A. Goff, 315 Continental Avenue, Dallas 7, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one-way and round-trip charter operations, from points in Nassau and Suffolk Counties, N.Y., to points in the United States.

NOTE: Common control may be involved.

HEARING: December 2, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner Laurence E. Masoner.

No. MC 34752 (Sub-No. 2), filed August 12, 1963. Applicant: LINCOLN COACH CO., INC., 32 Main Street, Dobbs Ferry, N.Y. Applicant's attorney: Sidney J. Leshin, 55 Liberty Street, New York 5, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle, between Yonkers and White Plains, N.Y. and Stamford, Conn.: Commencing at Getty Square, Yonkers, N.Y., thence east on Palisade Avenue to Elm Street, thence east on Elm Street to Nepperham Avenue, thence north on Nepperham Avenue to Yonkers Avenue, thence east on Yonkers Avenue to Central Park Avenue, thence north on Central Park Avenue to Tarrytown Road, thence south on Tarrytown Road to Main Street (White Plains, N.Y.), thence east on Main Street to North Broadway, thence south on Broadway to Armory Place, thence east on Armory Place to Westchester Avenue, thence east on Westchester Avenue to Cross Westchester Expressway, thence south on Westchester Expressway to Connecticut Turnpike, thence east on the Connecticut Turnpike to Interchange No. 7 (Greenwich Street, Stamford, Conn.), north on Greenwich to Main Street, thence east on Main Street to Bank Street, thence south on Bank Street to Atlantic Street, thence north on Atlantic Street to Main Street, thence east on Main Street to Elm Street, thence south on Elm Street to Interchange No. 8 (on the Connecticut Turnpike), thence west on the Connecticut Turnpike to Cross Westchester Expressway, N.Y., and return over the same route, serving no intermediate points.

NOTE: Applicant states on eastbound trips, no passengers to be discharged except in Stamford, Conn., and on westbound trips,

no passengers to be picked up except in Stamford, Conn.

HEARING: December 4, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner Laurence E. Masoner.

No. MC 93443 (Sub-No. 8), filed September 17, 1963. Applicant: SCHENECTADY TRANSPORTATION CORP., 1344 Albany Street, Schenectady, N.Y. Applicant's attorney: Louis H. Shereff, 292 Madison Avenue, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip special operations, all-expense sightseeing or pleasure tours, from Schenectady, N.Y., and points within 35 miles of Schenectady, to points in the United States including Alaska, and including ports of entry on the international boundary lines between the United States and Canada and the United States and Mexico, and return.

HEARING: December 9, 1963, at the Federal Building, Albany, N.Y., before Examiner Laurence E. Masoner.

No. MC 125531, filed July 29, 1963. Applicant: RALPH E. KLINE, doing business as KLINE LINE, Route 4, Box 471, Winchester, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in charter operations, beginning and ending at Washington, D.C., and extending to points in the United States.

NOTE: Applicant states the proposed operations will be performed between April 1 and September 1 inclusive of each year.

HEARING: November 29, 1963, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

#### APPLICATIONS FOR BROKERAGE LICENSES

##### MOTOR CARRIERS OF PASSENGERS

No. MC 12842 (Sub-No. 1), filed September 25, 1963. Applicant: NORMAN HEISCHOBER AND MORTON P. KURZBAN, a partnership, doing business as SOMETHING DIFFERENT, 63-23 Cromwell Crescent, Rego Park 74, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. For a license (BMC 5) to engage in operations as a *broker* at points in Queens, Nassau, and Suffolk Counties, N.Y., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, in round-trip, all-expense tours, beginning and ending at points in Queens, Nassau, and Suffolk Counties, N.Y., and extending to points in the United States, including Hawaii and Alaska.

HEARING: December 6, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner Laurence E. Masoner.

No. MC 12878, filed August 15, 1963. Applicant: FELIX TAVI, doing business as TAVI SKI TOURS, 115 West 57th Street, New York 19, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in the same vehicle, in groups and as individuals, be-

ginning and ending at New York, N.Y., and extending to points in New Jersey, Pennsylvania, Connecticut, Massachusetts, New Hampshire, Maine, and Vermont.

**HEARING:** December 5, 1963, at the Park Sheraton Hotel, New York, N.Y., before Examiner Laurence E. Masoner.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

#### MOTOR CARRIERS OF PROPERTY

No. MC 8964 (Sub-No. 21), filed October 7, 1963. Applicant: WITTE TRANSPORTATION CO., a Minnesota corporation, 2481 North Cleveland Avenue, St. Paul 13, Minn. Applicant's representative: S. F. Caruso, 2481 North Cleveland Avenue, St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydrogen peroxide*, in shipper-owned tank trailers, specially constructed and with auxiliary equipment for loading and unloading, from St. Paul, Minn., to points in Illinois, Michigan, and Wisconsin and (2) *empty shipper-owned tank trailers*, from points in Illinois, Michigan, and Wisconsin to St. Paul, Minn.

No. MC 54837 (Sub-No. 4), filed August 1, 1963. Applicant: DONALD QUINN, doing business as QUINN TRANSFER, Watertown, Minn. Applicant's representative: A. R. Fowler, 2388 University Avenue, Saint Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between points in Minnesota as follows: (1) From St. Paul-Minneapolis over U.S. Highway 12 to junction Minnesota Highway 110, east of Maple Plain, thence over Minnesota Highway 110 to junction Hennepin County Road 6, thence over Hennepin County Road 6 to the east boundary line of Carver County, thence over Carver County Road 5 to Watertown, thence over Minnesota Highway 25 to junction Carver County Road 107, thence over Carver County Road 107 to junction Carver County Road 6, thence over Carver County Road 6 to the east boundary line of McLeod County, thence over McLeod County Road 6 to Winsted, and return over the same route, serving all intermediate points, except those between St. Paul-Minneapolis and Watertown; (2) from New Germany over unnumbered highways via Mayer, St. Bonifacius, Mound and Spring Park to St. Paul-Minneapolis, and return over the same route, serving all intermediate points, except those between St. Paul-Minneapolis and St. Bonifacius; (3) serving St. Bonifacius, Lester Prairie and Maple, as intermediate or off-route points in connection with the routes set forth above; (4) from St. Paul-Minneapolis over U.S. Highway 12 to Wayzata, thence over Hennepin County Road 7 to Mound, thence over Minnesota Highway 110 to St. Bonifacius, thence over Minnesota Highway 7 to junction Minnesota Highway 25, thence over Minnesota Highway 25 to Mayer, thence over Minnesota Highway 25 to junction Carver County Road 115, one-half mile south of Mayer, thence over Carver

County Road 115 to New Germany, thence over Carver County Road 6 one-half mile to junction Carver County Road 115, thence over Carver County Road 115 to the McLeod County line, thence over McLeod County Road 63 to Lester Prairie, thence over McLeod County Road 1 to Winsted, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only; (5) from St. Paul-Minneapolis over Minnesota Highway 7 to junction McLeod County Road 1, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (6) from Watertown over Minnesota Highway 25 to Mayer, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (7) from Winsted over McLeod County Road 9 to junction McLeod County Road 63, thence over McLeod County Road 63 to Lester Prairie, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and (8) from Watertown over Carver County Road 13 to junction Minnesota Highway 7, and return over the same route, serving no intermediate points as an alternate route for operating convenience only.

No. MC 71642 (Sub-No. 7), filed October 2, 1963. Applicant: N. S. DESHONG, 3201 Mill Creek Road, Wilmington 8, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and fibre sheets*, between Orangeburg, S.C., and Yorklyn, Newark, and Wilmington, Del., and Kennett Square, Pa.

**NOTE:** Applicant states that the proposed operation will be for the account of National Vulcanized Fibre Co., of Wilmington, Del.

No. MC 112020 (Sub-No. 208), filed October 7, 1963. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and animal fats and blends thereof*, in bulk, in tank vehicles, from Waterloo, Iowa, to Worcester, Mass.

No. MC 113642 (Sub-No. 13), filed October 7, 1963. Applicant: JAMES I. WINN, JR., doing business as WINN TRUCKING SERVICE, Horse Cave, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from Rion, S.C., to Bowling Green and Elizabethtown, Ky.

No. MC 119086 (Sub-No. 2) (CORRECTION), filed September 27, 1963, published FEDERAL REGISTER, issue October 9, 1963, and republished as corrected this issue. Applicant: WILBUR F. MILLER, JR., 80 York Street, Taneytown, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. The purpose of this correction is to show the correct number assigned, No. MC 119086 (Sub-

No. 2), in lieu of No. MC 119086 (Sub-No. 8) as previously published.

No. MC 120345 (Sub-No. 1), filed October 2, 1963. Applicant: SHERMAN W. GINGRICH, Baraga, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Express and mail*, and (2) *passengers and their baggage* in the same vehicle with express and mail, between Baraga and White Pine, Mich., from Baraga over Michigan Highway 35 to Greenland, Mich., thence over Michigan Highway 26 to Mass Mich., thence over Michigan Highway 26 to junction U.S. Highway 45, thence over U.S. Highway 45 to Rockland, Mich. thence over U.S. Highway 45 to Ontonagon, Mich., thence over Michigan Highway 64 to White Pine, and return over the same route, serving all intermediate points.

No. MC 121368 (Sub-No. 1), filed September 6, 1963. Applicant: RALPH J. OSWALD, DORA E. OSWALD, RAYMOND J. OSWALD AND ROBERT SHERWOOD, a partnership doing business as LOCKPORT DELIVERY, 951 Kensington Avenue, Buffalo, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities*, between Buffalo, N.Y., and Lockport, N.Y., from Buffalo, N.Y., over New York Highway 263 to Lockport, N.Y., and return over the same route, serving all intermediate points and the off-route point of East Amherst (Erie County), N.Y., and (2) *meats*, fresh, frozen, or canned, from Buffalo, N.Y., over New York Highway 263 to Wrights Corner (Niagara County), N.Y., and return over the same route, serving all intermediate points.

No. MC 124078 (Sub-No. 82), filed October 6, 1963. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from Des Moines, Iowa, to points in Missouri north of the Missouri River.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 125726, filed October 3, 1963. Applicant: NORTHERN TRANSIT COMPANY, a corporation, 216 North 11th Street, Fargo, N. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers in the same vehicle with passengers*, between Fargo, and Oakes, N. Dak., from Fargo, over U.S. Highway 81 to junction North Dakota Highway 46, thence over North Dakota Highway 46 to junction North Dakota Highway 32 west of Enderlin, N. Dak., thence over North Dakota Highway 32 to junction North Dakota Highway 11 at Forman, N. Dak., thence over North Dakota Highway 11 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to Oakes, and



return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-8360 (T.I.M.E. FREIGHT, INC.—CONTROL AND MERGER—SUPER SERVICE MOTOR FREIGHT CO., INC.), published in the February 20, 1963, issue of the FEDERAL REGISTER, on page 1615. Application filed October 14, 1963, for temporary authority under section 210a(b).

No. MC-F-8567 (CORRECTION) BELL LINES, INC.—PURCHASE (PORTION)—BISON FAST FREIGHT, INC., published in the October 9, 1963, issue of the FEDERAL REGISTER on page 10848. Operating rights sought to be transferred should include the following: *General commodities*, except those of unusual value, and except dangerous explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between Augusta and Savannah, Ga., points in North Carolina and South Carolina, on the one hand, and, on the other, Charleston and Parkersburg, W. Va.

No. MC-F-8572. Authority sought for purchase by SOUTHERN EXPRESS, INC., Post Office Box 26007, Derita Branch, Charlotte 6, N.C., of the operating rights and property of GASTONIA MOTOR EXPRESS, INCORPORATED, Post Office Box 26476, Derita Branch, Charlotte, N.C., and for acquisition by A. H. ALEXANDER, also of Post Office Box 26007, Derita Branch, Charlotte 6, N.C., of control of such rights and property through the purchase. Applicants' attorneys: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C., Verne E. Shive, Gastonia, N.C., and Francis O. Clarkson, Jr., Suite 914 Cutter Building, Charlotte 2, N.C. Operating rights sought to be transferred: Under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to BOR-99, in No. MC-120361 (Sub-1), in the State of North Carolina, as a *common carrier*, covering the transportation of general commodities, except those requiring special equipment and except leaf tobacco in hogsheads, sheets and baskets, over irregular routes, from and to points on and within the territory bounded as follows: On the east, from the North Carolina-Virginia State line over U.S. Highway 1 to its intersection with U.S. Highway 158, thence over U.S. Highway 158 to Warrenton, thence over North Carolina Highway 58, to Wilson, thence over U.S. Highway 301 to its intersection with U.S. Highway 117, thence over U.S. Highway 117 to

Wilmington, thence over U.S. Highway 421 to Fort Fisher, and on the west, from the North Carolina-Tennessee State line over U.S. Highway 25 to the North Carolina-South Carolina State line. Vendee is authorized to operate as a *common carrier* in New York, Maryland, New Jersey, North Carolina, South Carolina, Georgia, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-43608 Sub-12, is a matter directly related.

No. MC-F-8573. Authority sought for control by WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga., of HAVRYLKOFF, INC., 2714 Decatur Street, New Orleans, La., and for acquisition by BILL WATKINS, also of Thomasville, Ga., of control of HAVRYLKOFF, INC., through the acquisition by WATKINS MOTOR LINES, INC. Applicants' attorneys and representatives respectively: Thomas N. Lennox, 301 Security Homestead Building, New Orleans 12, La., Joseph H. Blackshear, 205 Jackson Building, Gainesville, Ga., Bill Watkins, Albany Highway, Thomasville, Ga., and Harry Havrylkoff, 2714 Decatur Street, New Orleans, La. Operating rights sought to be controlled: *Bananas*, as a *common carrier*, over irregular routes, from New Orleans, La., to points in Iowa, Minnesota, and South Dakota. WATKINS MOTOR LINES, INC., is authorized to operate as a *common carrier* in all States (except Alaska, and Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8574. Authority sought for purchase by WESTERN TRANSPORT CO., INC., 2400 Cold Springs Road, Post Office Box 7346, Fort Worth, Tex., of the operating rights of COMMERCIAL OIL TRANSPORT, INC., COMMERCIAL OIL TRANSPORT OF OKLAHOMA, INC., and THOMAS C. PALMER and E. M. SCHENECKER, doing business as GENERAL FUEL OIL COMPANY, all of 1030 Stayton Street, Post Office Box 270, Fort Worth, Tex., and for acquisition by AMON G. CARTER, JR., 400 West Seventh Street, Fort Worth, Tex., BURFORD I. KING, First National Bank Building, Fort Worth, Tex., and S. A. HALBERT, Post Office Box 7346, Fort Worth, Tex., of control of such rights through the purchase. Applicants' attorneys: Reagan Sayers, Century Life Building, Fort Worth 2, Tex., and Milton J. Mehl, 2012 Continental Life Building, Fort Worth 2, Tex. Operating rights sought to be transferred: (COMMERCIAL OIL TRANSPORT, INC.) Numerous specified commodities, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from, to, and between specified points in all states and the District of Columbia, except Montana, Nevada, Alaska, and Hawaii, and in some instances subject to restrictions: The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof; (COMMERCIAL OIL TRANSPORT OF OKLAHOMA, INC.) *Petroleum products*, as described in Appendix XIII to the report

in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, in bulk, in tank vehicles, and lubricating oils and greases, in containers, as a *common carrier*, over irregular routes, from Columbus, Nebr., and points within 10 miles thereof, to points in Bon Homme, Brule, Clay, Douglas, Charles Mix, Gregory, Hutchinson, Lincoln, Lyman, Mellette, Todd, Tripp, Turner, Union, and Yankton, Counties, S. Dak.; *petroleum and petroleum products* (except liquid petroleum gases), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Enid, Stroud, Cushing, and Wynnewood, Okla., to points in Iowa, and Nebraska, RESTRICTION: Carrier shall not transport (1) agricultural insecticides, fumigants, and herbicides, in bulk, in tank vehicles, from Enid, Okla., to points in Nebraska, and (2) those petroleum products named in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, which are also named as acids and chemicals in Appendix XV to said report, from Enid, Stroud, Cushing, and Wynnewood, Okla., to Iowa City, Iowa, and points within 5 miles thereof; *petroleum and petroleum products* (except natural gasoline and liquid petroleum gases), in bulk, in tank vehicles, including but not limited to those described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Cleveland, Okla., to points in Iowa and Nebraska, RESTRICTION: The authority granted herein is restricted against transportation of those petroleum products named in Appendix XIII to the above-cited report which are also named as acids and chemicals in Appendix XV to that report, from Cleveland, Okla., to Iowa City, Iowa, and points within 5 miles thereof, and Crete, Nebr.; *liquid wax*, in bulk, in tank vehicles, from Barnsdall, Okla., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, and Wisconsin, from Stroud, Okla., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, and Wisconsin; (THOMAS C. PALMER and E. M. SCHENECKER, doing business as GENERAL FUEL OIL COMPANY) is not a carrier under the Interstate Commerce Act. The application also shows that WESTERN TRUCK LEASING CO., INC., apparently a noncarrier affiliate of WESTERN TRANSPORT CO., INC., would purchase certain physical property of COMMERCIAL OIL TRANSPORT, INC., COMMERCIAL OIL TRANSPORT OF OKLAHOMA, INC., and THOMAS C. PALMER and E. M. SCHENECKER, doing business as GENERAL FUEL OIL COMPANY. Vendee is authorized to operate as a *common carrier* in New Mexico, Texas, Louisiana, Arkansas, Oklahoma, Kansas, Missouri, Colorado, Alabama, Illinois, Tennessee, Mississippi, Iowa, Michigan, Nebraska, Wisconsin, Arizona, California, Florida, Georgia, Utah, Indiana, and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8575. Authority sought for purchase by CARTWRIGHT'S MOVING & STORAGE, INC., 7207 Prospect Avenue, Kansas City, Mo., of a portion of

the operating rights of DOUGLAS W. LAMBERT, doing business as LAMBERT TRANSFER COMPANY, 1505 Huntsville Road, Florence, Ala., and for acquisition by WILLIAM F. CARTWRIGHT, SR., also of Kansas City, Mo., of control of such rights through the purchase. Applicants' attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Operating rights sought to be purchased: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between Florence, Sheffield and Tuscumbia, Ala., on the one hand, and, on the other, points in Georgia, Mississippi, and Tennessee. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Wisconsin, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Delaware, Virginia, Maryland, Oklahoma, Arkansas, Texas, Kansas, Colorado, Tennessee, Nebraska, Minnesota, South Dakota, West Virginia, Mississippi, North Carolina, Alabama, Georgia, Florida, South Carolina, Louisiana, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8576. Authority sought for purchase by WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Cleveland 4, Ohio, of the operating rights of BURBANK ENTERPRISES, INC., 817 East Market Street, Warren, Ohio, and for acquisition by FRED L. WENHAM, also of Cleveland, Ohio, of control of such rights through the purchase. Applicants' attorneys: James E. Wilson, 716 Perpetual Building, 1111 E. Street NW., Washington, D.C., and James M. Burtch, Jr., 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Warren, Ohio, and points within 15 miles of Warren, on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 19, including Pittsburgh and Erie, Pa., between points within 5 miles of Warren, Ohio, including Warren, RESTRICTION: No service is authorized for the transportation of *new furniture*, uncrated, between points in Mahoning County, Ohio, on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 19, including Pittsburgh, and Erie, Pa.; *new furniture*, uncrated, between points in Portage, and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, New York, Maryland, Pennsylvania, Kentucky, Virginia, West Virginia, Tennessee, New Jersey and the District of Columbia; and *furniture frames*, from Ravenna, Ohio, to Christiansburg and Bedford, Va. Vendee is authorized to operate as a *common carrier* in Ohio, Missouri, Indiana, Michigan, Pennsylvania, New York, Illinois, and West Virginia. Application

has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 63-11177; Filed, Oct. 22, 1963;  
8:46 a.m.]

[Notice 571]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 18, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

#### MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

#### SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statements as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 20783 (Sub-No. 68), filed October 14, 1963. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place Decatur, Ga. Applicant's attorney: David Axelrod, 39 South LaSalle Street Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Section A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour and Company at or near Sterling, Ill., to points in North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Mississippi, Tennessee, and Virginia. RESTRICTION: Authority sought is limited to shipment originating at the plant site of Armour and Company and further restricted against tacking at origin.

HEARING: November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 11138 (Sub-No. 36) (CORRECTION), filed September 19, 1963 published in FEDERAL REGISTER issue of October 9, 1963, republished as corrected this issue. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., Post Office Box 459, Storm Lake, Iowa. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Interstate Commerce Commission, from Sterling, Ill., to points in Arizona, California, Nevada, Oregon, Washington, Billings, and Butte, Mont. Boise, Idaho, and Salt Lake City, Utah.

NOTE: Applicant states the "authority requested above is restricted to (a) shipment originating at the plant site of Armour & Company at or near Sterling, Ill.; and (b) against commodities in bulk, in tank vehicles." The purpose of this republication is to show that hearing will be before the examiner named below.

HEARING: Remains as assigned, November 18, 1963, at the Midland Hotel Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 115841 (Sub-No. 156), filed October 11, 1963. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk in tank vehicles), from the plant site of Armour and Company, located at or near Sterling, Ill., to points in Kentucky, Ten-

nessee, Alabama, Georgia, Mississippi, Louisiana, Virginia, Ohio, Pennsylvania, Delaware, New Jersey, Massachusetts, and New York. **RESTRICTION:** Applicant states the proposed service will be restricted to (1) traffic originating at the plant site of Armour and Company, (2) against the joinder or tacking of such authority at origin with other authority for the purpose of performing through service, and (3) against the transportation of such commodities in bulk, in tank vehicles.

**HEARING:** November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 117119 (Sub-No. 120), filed October 10, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk and tank vehicles), from the plant site of Armour and Company located at or near Sterling, Ill., to points in Iowa, Missouri, Kansas, Oklahoma, and Nebraska. **RESTRICTIONS:** Applicant states that (1) above is to be restricted to the transportation of shipments originating in the aforesaid plant site, (2) against the transportation of commodities in bulk and tank vehicles, and (3) against tacking at the aforesaid plant site of the applied for authority with any authority which applicant may possess.

**HEARING:** November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 119170 (Sub-No. 3), filed October 11, 1963. Applicant: REEFER TRANSIT LINE, INC., 1413 West Pershing Road, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, other than commodities in bulk, in tank vehicles, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) between the site of the plant of Armour & Company located at or near Sterling, Ill., on the one hand, and, on the other, St. Louis and Kansas City, Mo., Omaha, Nebr. and points in Iowa, and (b) from the site of the plant of Armour & Company located at or near Sterling, Ill., to points in New York, New Jersey, Pennsylvania, Ohio, and Wheeling, W. Va., and points within 25 miles thereof. **RESTRICTION:** The authority sought herein is to be restricted to the transportation of shipments originating at or destined to the site of the plant of Armour & Company located at or near Sterling, Ill.

**HEARING:** November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 123069 (Sub-No. 3), filed October 11, 1963. Applicant: ALLER & SHARP, INC., 817 West Fifth Avenue, Columbus, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Company, located at or near Sterling, Ill., to points in Ohio and West Virginia.

**HEARING:** November 18, 1963, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 63-11178; Filed, Oct. 22, 1963; 8:46 a.m.]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 18, 1963.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 7062-CCT, filed August 22, 1963. Applicant: ARTHUR N. LLOYD, INC., 34 Oleander Street (Post Office Box 247), Cocoa, Fla. Applicant's attorney: Harry H. Mitchell, 103 North Gadsden Street (Post Office Box 806), Tallahassee, Fla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, to, from and between points within or fifteen (15) miles from the perimeter of that which is now commonly known as the NOVA area in Brevard County, Fla. (said NOVA area being bordered on the east by the Atlantic Ocean, on the south by the junction of the Banana River and Indian River, on the west by the Indian River, and on the north by the Haulover Canal), to and from any point in what is known as the NOVA impact area (said NOVA impact area consisting of Volusia, Seminole, Orange, Osceola, Indian River, and Brevard Counties, Fla.).

**NOTE:** Applicant states authority sought specifically includes, but is not limited to

the transporting of strategic materials, missiles, rockets, related materials and expedited shipments.

**HEARING:** November 4, 1963, at 2:00 p.m., in the Cocoa City Hall, Cocoa, Fla.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Florida Railroad and Public Utilities Commission, Lock Drawer 810, Tallahassee, Fla., 32304, and should not be directed to the Interstate Commerce Commission.

State Docket No. 20091, filed September 30, 1963. Applicant: ANNA GASPERETTI, doing business as GARDNER-REDWING FREIGHT LINE, 111 West 10th Street, Walsenburg, Colo. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *freight and general commodities*, from Walsenburg, Colo., to Gardner and Redwing, Colo., and intermediate points, in Huerfano County, Colo., on a schedule of not less than once a week.

**NOTE:** Applicant seeks authority to engage in interstate and foreign commerce in the county of Huerfano, Colo., within limits of Certificate No. 5764 (applicant's present authority issued by the Colorado Public Utilities Commission to engage in intrastate commerce).

**HEARING:** November 26, 1963 at 10:00 a.m., in 532 State Services Building, Denver, Colo.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Colorado Public Utilities Commission, 506 State Services Building, 1525 Sherman Street, Denver 3, Colo., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 63-11179; Filed, Oct. 22, 1963; 8:47 a.m.]

[Notice 884]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 18, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC66235. By order of October 15, 1963, the Transfer Board approved the transfer to Derra's Motor Service, Inc., Chicago, Ill., of the operating rights claimed in No. MC 61340 (Sub-No. 2) under the "grandfather" clause of Sec-

tion 206(a)(7), Interstate Commerce Act, by Stanley Derra, doing business as Derra's Motor Service, Chicago, Ill., and the substitution of transferee as applicant for a certificate of registration from this Commission, corresponding to the grant of intrastate authority to transfer issued by the Illinois Commerce Commission in No. 5779MC. Harold E. Marks, 208 South LaSalle Street, Chicago, Ill., attorney for applicants.

No. MC-FC 66273. By order of October 15, 1963, the Transfer Board approved the transfer to Monarch Motor Freight Co., Inc., 60 Broadway, Albany, N.Y., of Certificate in No. MC 477, issued May 14, 1963, to D. E. Long, Inc., Dean Street, Albany, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes; between Albany, N.Y., and Troy, N.Y., serving the intermediate point of Green Island, N.Y., and over irregular routes, from Albany, N.Y. to points in New York, Vermont, Massachusetts, and Connecticut within 75 miles of Albany; and household goods, between Albany, N.Y., and points in New York and Massachusetts within 25 miles of Albany, on the one hand, and, on the other, points in New York, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Maryland, Ohio, Virginia, and the District of Columbia. William D. Traub, 10 East 40th Street, New York 16, N.Y., practitioner for transferor.

No. MC-FC 66274. By order of October 15, 1963, the Transfer Board approved the transfer to Charles McKeen, doing business as Treasure State Express, 4504 Stone Street, Billings, Mont., of the operating rights claimed in No. MC 120478 (Sub-No. 1) under the "grandfather" clause of section 206(a)(7)(b), Interstate Commerce Act by G. G. McKeen, doing business as Treasure State Express, Route No. 3, Billings, Mont., and the substitution of transferee as applicant for a certificate of registration from this Commission, corresponding to the grant of intrastate authority to transfer issued by the Montana Board of Railroad Commissioners in No. 2323.

No. MC-FC 66280. By order of October 15, 1963, the Transfer Board approved the transfer to Albert Burdge & Son, Inc., Red Bank, N.J., of the operating rights, issued by the Commission October 17, 1952, under Certificate in No. MC 2191, to William A. Burdge and Dalton Burdge, a partnership, doing business as Albert Burdge & Son, Red Bank, N.J., authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between Red Bank, N.J., and points in New Jersey and New York within 25 miles of Red Bank, on the one hand, and, on the other, points in Connecticut, Florida, Georgia, Massachusetts, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Abramoff & Apy, 195 Broad Street, Red Bank, N.J., attorneys for applicants.

No. MC-FC 66284. By order of October 15, 1963, the Transfer Board approved the transfer to John Lestician, doing business as John Lestician Trucking, Trenton, N.J., of Certificate in No. MC 35906, issued March 6, 1941, to Kay Trucking, Inc., Trenton, N.J., authorizing the transportation, over irregular routes, of: Rubber goods, china, earthenware, and bathroom fixtures, between Trenton, N.J., on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa. Sido L. Ridolfi, 383 West State Street, Trenton 8, N.J., attorney at law.

No. MC-FC 66287. By order of October 15, 1963, the Transfer Board approved the transfer to Jim Camp, Algona, Iowa, of the operating rights issued by the Commission June 26, 1962, under Certificate No. MC 123289, to P & M Stone Co., Inc., Rutland, Iowa, authorizing the transportation, over irregular routes, of fertilizer, from Humboldt, Iowa, to points in Minnesota with certain exceptions; and fertilizer, other than liquid, from Humboldt, Iowa, to points in Minnesota. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306, registered practitioner.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 63-11180; Filed, Oct. 22, 1963;  
8:47 a.m.]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 18, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 38604: *Joint motor-rail rates—Central and Southern*. Filed by the Central and Southern Motor Freight Tariff Association, Inc., agent (No. 82) for interested carriers. Rates on (a) furniture and furniture parts, also (b) textile products, over joint routes of applicant rail and motor carriers, (a) between points in North Carolina, on the one hand, and points in central territory, on the other, and (b) from point in southern territory to points in central territory.

Grounds for relief: Motortruck competition.

Tariffs: Supplement 4 to Central and Southern Motor Freight Tariff Association, Inc., agent, tariff MF-I.C.C. 251 and supplement 37 to their tariff MF-I.C.C. 274.

FSA No. 38605: *Machinery and machines from Salt Lake City, Utah*. Filed by Western Trunk Line Committee, agent (No. A-2329), for interested rail carriers. Rates on machinery and machines, and parts, as described in the application, in carloads, from Salt Lake City, Utah, to points in western trunkline and official (not including Illinois) territories.

Grounds for relief: Motortruck competition.

Tariffs: Supplements 67 and 104 to Western Trunk Line Committee, agent tariffs I.C.C. A-4411 and A-4396, respectively.

By the Commission.

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 63-11175; Filed, Oct. 22, 1963;  
8:46 a.m.]

## CUMULATIVE CODIFICATION GUIDE—OCTOBER

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